

# The Indiana State Plan to Implement the Help America Vote Act of 2002

## ***A Blueprint for Indiana Elections*** **As Amended August 2005**

**Todd Rokita**  
*Indiana Secretary of State*



“With this blueprint for Indiana’s elections we have set in motion the most comprehensive voting reforms in our state since the Voting Rights Act of 1965. With state of the art voting systems, a statewide voter registration system, and creative solutions like provisional balloting, Indiana will be well positioned to administer all elections as fairly and efficiently as possible to preserve the rights of all Hoosiers and help ensure that every legitimate vote is counted accurately.”

*Todd Rokita*

Dear Indiana citizens:

The Help America Vote Act of 2002 (HAVA) is the most significant federal voting reform measure since the Voting Rights Act of 1965. In Indiana, we have been working **since 2001** on many of the reforms now required by HAVA.

In February of 2003, I convened the Vote Indiana Team, a diverse group of 28 Hoosiers, to help create the blueprint for our elections for the next five years and beyond. The Vote Indiana Team members come from across the state and represent three political parties, the state legislature, minority groups, military voters, people with disabilities, county election and voter registration officials, and the media.

The Vote Indiana Team met **in 2003** over a six-month period as a full group and in smaller working groups to address specific issues and draft a comprehensive election reform plan for Indiana that implements the requirements of HAVA. After five meetings of the Vote Indiana Team as a whole and twenty-four sub-group meetings, the Indiana State Plan **was adopted**.

**I reconvened the Vote Indiana Team on June 23, 2005 to begin the process of amending the State Plan to reflect Indiana's progress in implementing HAVA and to equip ourselves to successfully complete the implementation of several HAVA requirements by January 1, 2006. At that meeting, Vote Indiana Team members and members of the public were offered an opportunity to provide specific suggestions concerning possible amendments to the Plan.**

**In accordance with the procedures set forth in Section 11 of the Indiana State Plan, I am proposing the changes to the Plan set forth in this document to the Vote Indiana Team for their consideration and for public comment. A copy of the document setting forth these proposed changes will be made available on the web at [www.sos.IN.gov](http://www.sos.IN.gov) beginning July 19, 2005.**

**The public comment period concerning these proposed changes will close at 5:00 p.m., Indianapolis time, on August 18, 2005. Any comments you have regarding the proposed changes must be received no later than that date and time.**

**Please submit any comments to the following address: Todd Rokita, Indiana Secretary of State, 200 West Washington Street, Room 201, Indianapolis, Indiana 46204, or by email to [VoteIndianaTeam@sos.in.gov](mailto:VoteIndianaTeam@sos.in.gov). Public comment on the proposed changes may also be left at 317-234-VOTE or at the Indiana Election Division toll free in Indiana at 800-622-4941(TDD). Comments may be faxed to the Vote Indiana Team at 317-233-3283.**

**You are welcome to submit general comments concerning these proposed Plan changes. However, any proposed amendment to the proposed Plan changes you wish to suggest must set forth specific language you are asking the Vote Indiana Team to consider.**

**Hoosier voters have already seen significant changes at their polls since the State Plan was originally adopted in 2003, and the voters will continue to see significant changes at the polls over the next several years. Indiana has replaced all of the lever voting machines formerly**

**used in some of our largest counties. We will continue** replacing **the** punch card voting systems still in use in **eight Indiana** counties. An accessible voting machine will be placed in every voting location in Indiana. The creation of a statewide voter registration database will allow election officials in every county to communicate with each other as well as with officials from the Indiana Bureau of Motor Vehicles and the Departments of Health and Correction. The statewide voter registration system will ensure every voter is registered at the proper location and only the proper location.

These improvements, along with **other** advances in technology, will help ensure the voting rights of all Hoosiers are protected and will position Indiana as a nationwide model for election success and reliability.

None of these changes would be possible without the cooperation, coordination and continued hard work of Indiana's county clerks, election board members, and voter registration officials. I also want to thank **both current and former** Vote Indiana Team **members** for their generous time and effort in putting forth the **original Plan and in reviewing the proposed Plan amendments.**

I look forward to continuing to serve you as Indiana's chief election official and as Secretary of State. I am committed to making sure Indiana's elections are efficient, accurate and fair.

Yours truly,

A handwritten signature in black ink that reads "Todd Rokita". The signature is written in a cursive, flowing style.

Todd Rokita  
Indiana Secretary of State

# Table of Contents

<b>Introduction Letter</b> by Todd Rokita, Indiana Secretary of State.....	page 2
<b>Table of Contents</b> .....	page 4
<b>Executive Summary</b> .....	page 5
<b>Introduction</b> .....	page 8
<b>Glossary of Terms and Acronyms</b> .....	page 10
<b>Section 1</b> How the State will use requirements payment.....	page 12
<b>Section 2</b> How the State will distribute and monitor requirements payment...	page 18
<b>Section 3</b> How the State will provide for programs for voter education, election official education and training, and poll worker training.....	page 19
<b>Section 4</b> How the State will adopt voting system guidelines and processes which are consistent with the requirements of Section 301.....	page 21
<b>Section 5</b> How the State will establish a fund, including fund management...	page 22
<b>Section 6</b> State's proposed budget for activities .....	page 23
<b>Section 7</b> State's maintenance of effort.....	page 43
<b>Section 8</b> How the State will adopt performance goals and measures.....	page 44
<b>Section 9</b> State-based administrative complaint procedure.....	page 51
<b>Section 10</b> Title I payments.....	page 53
<b>Section 11</b> Ongoing management of State Plan.....	page 54
<b>Section 12</b> Changes to plan from previous fiscal year.....	page 54
<b>Section 13</b> State Planning Committee, Process, and public comment.....	page 54
<b>Items for Future Consideration</b> .....	page 59
<b>Appendix 1</b> Indiana Election Reform History.....	page 60
<b>Appendix 2</b> Indiana Bond Bank – Hoosier Equipment Lease Purchase (HELP) Program.....	page 63

# Executive Summary

Indiana has a population of 6,100,000 (2002 estimate), with a voting age population of 4,448,000 (2000 estimate used for purposes of HAVA). Of this population, 4,297,755 were registered to vote as of **January 1, 2005**.

## **Election Administration in Indiana**

The Secretary of State serves as Indiana's chief election official. The Indiana Election Division (IED) is established within the Office of the Secretary of State. The Governor appoints the IED's two co-directors from lists of two or more persons submitted by the state's Democratic and Republican parties. The IED assists the Secretary of State and the Indiana Election Commission (IEC) with the administration of elections. Indiana's local government includes election administration and voter registration offices in each of the state's 92 counties. Each county is divided into election precincts, with a total of **5,571** precincts in Indiana (**as of 2005**). All 92 counties have a circuit court clerk elected by the voters and a county election board, which includes the circuit court clerk, to administer local elections.

In 2000, the Bipartisan Task Force on Election Integrity was convened by Secretary of State Sue Anne Gilroy and Governor Frank O'Bannon. The Task Force was charged with examining the election process in Indiana to ensure that elections were accurate, accessible and secure. After months of study, this bipartisan group reached consensus on several improvements to the election process; much of the work of the task force took the form of recommendations to the Indiana General Assembly. Many of these recommendations were adopted, including provisional balloting, the establishment of a statewide voter registration system, and the phase out of punch card voting systems. Some of these initiatives were sidelined when appropriations were cut.

With the enactment of the Help America Vote Act of 2002 (HAVA) and the promise of federal funding to implement its requirements, Indiana's election reform efforts were revitalized. Secretary of State Todd Rokita convened the Vote Indiana Team in February 2003 to move forward with Indiana's election reforms. The Vote Indiana Team consists of **30** Hoosier voters representing a wide variety of ethnic, geographic and tri-partisan political backgrounds.

**In developing the initial HAVA State Plan in 2003**, members met as a whole and in subgroups to address particular subject areas. At all times, meetings were open to the public and time was set aside for public comment. Furthermore, a **thirty**-day public comment period began June 3, 2003, and ran through July 3, 2003, in accordance with HAVA requirements. The State Plan, all meeting notes, and other Team information can be found at [www.sos.IN.gov](http://www.sos.IN.gov), under "Vote Indiana Team Information." Please see Section 13 (**on** page 52) of the State Plan to review **the** procedures used for registering public comment.

**The Vote Indiana Team reconvened on June 23, 2005 to conduct an initial meeting to consider comments from Team members and the public concerning possible amendments to the Plan. The proposed changes to the Plan proposed by the Secretary of State are**

**indicated in this document and are submitted to begin the process of public comment and further consideration by the Vote Indiana Team.**

HAVA requires the submission of a state plan detailing how HAVA requirements will be met and how HAVA monies will be utilized. This Executive Summary outlines the major initiatives of the Team and the plan for distributing HAVA funding.

### **Voting Systems**

**Several** Quantity Purchase Agreements (QPA) **for the purchase of voting systems have been issued by the State of Indiana. Each** voting system vendor **with a voting system certified by the Indiana Election Commission for use in Indiana elections** will be eligible to enter into a QPA with the state. **A county may purchase certified voting systems from a vendor off of the State's QPA or may otherwise purchase certified voting systems, subject to complying with state laws concerning procurement by local governments.**

HAVA requires each county to acquire **at least** one voting system with accessible equipment per polling place. **The remaining county punch card voting systems in Indiana will be replaced by the end of 2005. As of January 2005, all lever machine voting systems formerly used in Indiana counties have been replaced with optical scan or direct record electronic voting systems.**

Funding will be distributed as a reimbursement to counties for the costs incurred in purchasing a voting system, **subject to compliance with HAVA and state law.** Eligibility for reimbursement will be determined after review of an application to the Indiana Election Division, certification of polling place accessibility, and cooperation with a local advisory council to choose accessible polling places. The **original** funding formula described in the Plan **was** based on estimates of funding outlined in HAVA **and is being revised to reflect the amount of** funding appropriated by Congress **during federal Fiscal Years 2004 and 2005.** Please refer to Sections 1 (A) and 6 (A) of the State Plan for further information.

### **Statewide Voter Registration System**

A consultant and statewide steering committee **is currently assisting** the Secretary of State and Indiana Election Division in the development and implementation of a statewide voter registration system **by the December 31, 2005 deadline set by HAVA.** A Request For Proposal (RFP) **was** issued for the selection of a vendor to create the system, **and a vendor is currently implementing its contract with the State to implement the statewide voter registration system (SVRS).** The steering committee **is helping** guide the creation and implementation of the system. The committee **is** comprised of Team members and representatives from the clerks' and voter registration officials' associations. The system will also interact with computer systems of the Bureau of Motor Vehicles, Indiana State Department of Health and Department of Correction. Please refer to Sections 1 (B), Section 6 (B), and Section 8 (1) of the State Plan for further information.

### **Training and Education**

Training will be geared toward election officials and pollworkers. Voter educational opportunities will also be created. Please see Section 1 (F), Section 3, Section 6 (C), Section 8 (2 a,b,c), and Section 10 of the State Plan for further information.

### **Statewide Grievance Procedure**

A statewide grievance procedure **was** established **in 2003** to handle complaints that may involve voting system and polling place accessibility, allegations of fraud, and other voting or registration processes. Please see Section 1 (E), Section 6 (E), Section 8 (3), and Section 9 of the State Plan for further information.

### **Provisional Balloting**

Provisional balloting **is** available as a safety net for the voter who may have erroneously been removed from the voter list and to guard against fraudulent voting practices. A free access system **is** available for a provisional voter to check the status of the provisional ballot (e.g. find out whether the ballot was counted). Please see Section 1 (D), Section 6 (D), and Section 8 (4) of the State Plan for further information.

### **Accessibility**

A comprehensive polling place accessibility study **has been** undertaken to guide local jurisdictions in making improvements. The Secretary of State **has applied** for **federal** funding to help counties improve the accessibility of particular polling places. A voter will be able to cast a ballot privately and independently. Please see Section 4, Section 6 (HHS grants and F), Section 8 (5), and Section 10 of the State Plan for further information.

In summary, the efforts of the Vote Indiana Team and the dedication of Indiana's election officials **have already begun to** produce positive changes and **will** set the course for Indiana's election reform efforts for years to come.

## **Indiana State Plan Introduction**

### **What is HAVA?**

In 2002 Congress passed the Help America Vote of 2002 which President George W. Bush signed into law on October 29, 2002. The Help America Vote Act embraces the goals of election reform by expecting all levels of government to provide a democratic process that does the following:

- maintains an accurate list of citizens who are qualified to vote;
- encourages every eligible voter to participate effectively;
- uses equipment that reliably clarifies and registers the voter's choice;
- conducts elections in a foreseeable and fair way;
- operates with equal effectiveness for every citizen and every community; and
- reflects limited but responsible federal participation.

### **What are the State's responsibilities under HAVA and purpose of a state plan?**

States who want to receive HAVA requirements funding must submit a self certified state plan outlining specific provisions set forth in the following section. The Secretary of State as Indiana's chief election official shall develop the plan through a committee (Vote Indiana Team) consisting of chief election officials from Indiana's two most populous counties, other local election officials, key stakeholders (including members of the community with disabilities), and other citizens. The preliminary state plan must be available for public inspection and comment for thirty (30) days before submission to the Election Assistance Commission. The Vote Indiana Team shall take into account the public comments before submitting the final plan. The Vote Indiana Team met July 18, 2003 to take into account public comment received to date and to recommend the final plan for submission.

**The Vote Indiana Team reconvened on June 23, 2005 to review the progress made under the Plan since its original adoption and to consider amendments to the Plan proposed by the Secretary of State under the procedures set forth in Section 11 of the State Plan.**

### **How is this document organized?**

The State Plan's overview is contained in the Executive Summary. The Executive Summary briefly describes major initiatives contained in the State Plan and refers to the appropriate section in the plan document for further information. HAVA requires the state plan to address the thirteen (13) provisions listed below. A Glossary of Terms and Acronyms is included to define or reference frequently used terminology or acronyms. Appendix 1, Indiana Election Reform History, describes Indiana's election reform efforts beginning prior to statehood through today. Appendix 2 explains the Hoosier Equipment Lease Purchase (HELP) Program. A Table of Contents is also attached to guide the reader through this document.

- How Indiana will use these federal funds to comply with HAVA’s requirements concerning voting systems, the statewide voter registration system, and provisional voting.
- How Indiana will distribute (and monitor the distribution of) federal finds to local governments and other fund recipients, including the criteria to determine eligibility and to monitor performance.
- How Indiana will provide voter education, election official, and poll worker training programs.
- How Indiana will adopt voting system standards consistent with HAVA.
- How Indiana will establish a fund for administering these federal payments and how the Indiana fund will be managed.
- Indiana’s proposed budget to carry out the activities required to receive these federal funds.
- How Indiana, in using these federal funds, will maintain a level of state expenditures at least equal to Indiana’s expenditures for these activities during the July 1, 1999 – June 30, 2000 fiscal year.
- How Indiana will adopt performance measures to determine the success of state and local government in carrying out the plan, including timetables, a description of the criteria to measure performance, and which official is responsible for meeting the requirements.
- A description of the required “uniform nondiscriminatory State grievance procedure” for HAVA-related complaints.
- If Indiana received additional federal money from another source, how this money will be used to carry out activities under the State Plan.
- How Indiana will conduct ongoing management of the HAVA State Plan.
- How the State Plan reflects changes from the State Plan for previous fiscal years.
- A description of the State Plan Committee and the procedures used by the Committee to develop the Plan.

### **How did we receive Public Comment?**

Section 13 of the State Plan describes the **membership** of the Vote Indiana Team and its work. Further information about the Team may be found at [www.sos.IN.gov](http://www.sos.IN.gov). Public comment was submitted to the chair of the Vote Indiana Team in writing to the following address: Todd Rokita, Indiana Secretary of State, 200 West Washington Street, Room 201, Indianapolis, Indiana 46204, and was emailed to [VoteIndianaTeam@sos.in.gov](mailto:VoteIndianaTeam@sos.in.gov). Public comment on the preliminary state plan was also left at 317-234-VOTE or at the Indiana Election Division toll free in Indiana at 800-622-4941(TDD). Comments were also faxed to 317-233-3283. The Team also received public comment at the annual Clerks’ Conference and the Indiana Voter Registration Association meeting.

**Public comment concerning the Plan changes proposed by the Secretary of State may be submitted to the same US mail, fax, and email addresses and telephone numbers listed above.**

**This Plan is available in accessible formats upon request. Please call 234-VOTE or email [havaadministrator@sos.state.in.us](mailto:havaadministrator@sos.state.in.us) for further information.**

# GLOSSARY OF TERMS AND ACRONYMS

**“Certification of accessibility of polling place”** Part of the application process by a county to receive state money to reimburse the county for purchasing voting equipment. The certification will state that the polling places selected by the county permit voters with disabilities to cast their ballots in the polling place with the same access and privacy provided to other voters.

**“Free access system”** A toll-free telephone number, an Internet web site, or other method that permits a voter who casts a provisional ballot to learn whether or not the voter’s ballot was counted, and if not, the reasons why the provisional ballot was not counted.

**“HAVA”** The Help America Vote Act of 2002 (Public Law 107-252). A federal law passed by Congress and signed by President Bush on October 29, 2002. Each state **has passed (or is considering the passage) of** its own laws as needed to implement HAVA in that state.

**“Maintenance of Effort”** A requirement under the HAVA law that when a state uses “Title III requirement monies,” the state pledges to keep spending in the future the same amount of money that the state had spent during 1999 and 2000 for the programs for which the state is using the “Title III requirement monies.”

**“National Voter Registration Act of 1993”** A federal law which enacts requirements concerning voter registration for federal elections.

**“Poll worker”** Paid position at polling place on Election Day to assist in operating the election.

**“Provisional Ballot”** A ballot cast by an individual when it is not clear whether the individual is entitled to vote in a precinct. The provisional ballot is kept separate from the other ballots cast by voters in the precinct. After election day, the county election board decides whether the individual is entitled to vote and whether the individual’s provisional ballot should be counted or rejected.

**“Provisional Ballot Status”** The decision made by the county election board whether to count a provisional ballot, and if not, the reasons for rejecting the ballot.

**“Purchase”** When discussed in the context of voting system, includes lease and lease-purchase agreements, as specified by Indiana Code 3-11-6.5.

**“Off election year”** The year in each four year election cycle in Indiana in which no regularly scheduled elections are held at either the state or local level. The off-election year occurred in 2001 **and 2005** and will occur in **2009**.

**“Qualifying precinct”** Defined in HAVA as a precinct where a punch card or lever machine voting system was used in the November 2000 election.

**“Section 101 monies”** Money made available from the federal government to state governments under HAVA to improve the manner in which elections are administered in the state.

**“Section 102 monies”** Money made available from the federal government to state governments under HAVA specifically to replace lever voting machines or punch card voting systems with newer types of voting systems. This money can also be used to reimburse local governments who have already purchased replacement voting systems since November 2000.

**“Title III requirement monies”** Money made available from the federal government to state governments under HAVA to help state and local governments comply with some of the requirements imposed under the HAVA law. These requirements include a statewide voter registration system, making voting equipment upgrades, and voting by provisional ballot.

**“The Team”** (Vote Indiana Team) The committee established under HAVA to develop the State Plan.

**“Video streaming”** Video available on the internet.

### **Acronyms**

**“ADA”** – Americans with Disabilities Act

**“BMV”**- Bureau of Motor Vehicles

**“CLE”**- continuing legal education

**“DOC”** – Department of Correction

**“DRE”**- direct recording electronic voting system

**“IDOA”**- Indiana Department of Administration

**“IED”**- Indiana Election Division

**“IVRA”**- Indiana Voter Registration Association

**“GPCPD”**- Governor’s Planning Council for People with Disabilities

**“HHS”**- Health and Human Services

**“NCAS”**- cross between a Public Service Announcement and a paid advertisement

**“QPA”**- Quantity Purchase Agreement

**“RFP”**- Request for Proposal

**“SVF”and “SVRS”** - Statewide Voter Registration System

**“VIT”** – Vote Indiana Team

# *Indiana State Plan*

*This Plan is available in accessible formats upon request. Please call 234-VOTE or email [havaadministrator@sos.state.in.us](mailto:havaadministrator@sos.state.in.us) for further information.*

## *Section 1*

*Sec. 254 (a) IN GENERAL – The State plan shall contain a description of each of the following:*

*(1) How the state will use the requirements payment to meet the requirements of Title III, and, if applicable under section 251 (a)(2), to carry out other activities to improve the administration of elections.*

Congress passed the Help America Vote Act of 2002 (HAVA) to provide election reform across the nation and bring uniformity to state elections. Title III of HAVA requires Indiana to do the following:

- Provide accessible machines in every polling place.
- Adopt uniform and nondiscriminatory standards that define what constitutes a vote.
- Provide voting systems that meet enhanced standards, including allowing the voter to verify the vote before the ballot is cast, permitting the voter to change or correct the ballot before it is cast, and notifying a voter of an overvote or establishing a voter education program specific to that voting system that notifies voters of the effects of overvoting.
- Allow individuals to cast provisional ballots and provide a free access system to inform a provisional voter whether the vote was counted, and if not counted, the reason why.
- Implement in a uniform and nondiscriminatory manner a single, interactive, computerized statewide voter registration system that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each.
- Require certain first time “mail in” registrants to provide identification.
- Implement a uniform and nondiscriminatory HAVA grievance procedure.

Prior to the passage of HAVA, Indiana had already laid the groundwork for election reform in the state. Public Law 209-2003 (SEA 268), Public Law 116-2003 (SEA 477) and Public Law 224-2003 (HEA 1001) provide for the implementation of HAVA in Indiana. **Legislation was enacted in 2004 and 2005 to address additional, more detailed aspects of HAVA implementation in Indiana, particularly concerning the statewide voter registration system (Public Law 14-2004 (SEA 72), and Public Law 81-2005 (SEA 482)).** With the state’s initial framework and the passage of recent legislation, Indiana is on track to comply with all of the provisions of HAVA.

One example of Indiana’s work to lead the nation in election reform is the Indiana Voter’s Bill of Rights. Working from language prepared by the Secretary of State’s Election Division, the Indiana Election Commission unanimously approved the text of the Voter’s Bill of Rights in March 2003. It is a plain language document about accessibility and accountability; accessibility for legally registered voters and accountability for those who would act to defraud election

administrators and in turn other voters. Posters of the Voter's Bill of Rights were printed in both English and Spanish.

The Secretary of State's office **has** provided Voter's Bill of Rights posters to every county for display in polling places **for each primary and general election day and special election since 2003 and posts the most recent version of the Voter's Bill of Rights on the Secretary of State's website [www.sos.IN.gov](http://www.sos.IN.gov).**

**As of 2005, Indiana has received a total of \$48.5 million in Title III funds (See Section 6). The Secretary of State and the Indiana Election Division intend to use requirements funds for the following endeavors:**

#### ***A. Voting Systems***

##### ***History of Voting Systems Upgrade Programs before HAVA***

In 2001, the Indiana General Assembly enacted legislation to provide for the gradual elimination of punch card voting systems over several years. The legislature also appropriated \$4 million dollars to fund the replacement of the punch card systems.

However, this 2001 Indiana legislation had some significant limits:

First, this state money was never available to reimburse counties who had purchased voting systems between January 1, 1998 and July 1, 2001. Instead, state law specified that only money received from the federal government could be used for this purpose.

Second, the \$4 million in state money was not appropriated to the new "voting system improvement fund". Instead, this appropriation was made from the Build Indiana Fund. The effect of this distinction became clear in 2002, when the state through an executive order diverted all Build Indiana Fund monies to deal with the state's growing budget deficit.

As of mid-2002, there was no state or federal money available for counties to receive any reimbursement at all for their voting system purchases. Then, in October 2002, the Help America Vote Act was finally passed and sent to the President.

HAVA, and the Indiana legislation enacted in 2003 to implement it, expanded the scope of the voting system upgrades required in Indiana: both lever and punch card must be phased out by December 31, 2005; all counties must also acquire voting systems to enable blind voters and voters with other disabilities to vote without assistance in each polling place.

HAVA (and the 2003 federal budget bill) **provided** for limited voting system reimbursement to be passed on to counties. Under these federal laws, a total of more than \$9 million will be available to reimburse Indiana counties for voting system upgrades if these counties were using lever or punch card systems at the November 2000 election.

**After the State Plan became final in 2003, Indiana received additional federal funds in 2003 and 2004. These additional funds can be used to assist with county voting system reimbursements.**

In Indiana, even before HAVA passed, the Election Division acted to encourage all counties to submit applications for voting system reimbursement under the 2001 Indiana law. The Election Division advised clerks that while Congress and the state legislature were considering new laws that could change the amount and eligibility requirements for reimbursement, the county should act now to indicate its interest and to protect its eligibility. Some 72 of 92 counties followed that advice, and filed applications by the January 2003 deadline under state law.

In its 2003 session, the General Assembly passed a comprehensive bill to begin implementing HAVA in Indiana (Senate Enrolled Act 268). This new legislation **provided** an option to expand the availability of voting system reimbursement to counties that purchased a new voting system or upgrade between January 1998 and July 2001. However, Indiana law is still subject to the limits placed on its use of the federal money by HAVA.

In 2002, Indiana issued **an initial** Quantity Purchase Agreement (QPA) with four voting systems vendors whose optical scan or direct record electronic (DRE) voting systems were previously certified by the Indiana Election Commission. **This original QPA was for a one year term, subject to renewal. However, since no vendor requested renewal before that QPA expired, the State has subsequently entered into a separate QPA for each specific voting system model following the certification of that voting system by the Indiana Election Commission.** Replacement of **lever machines in all Indiana counties is complete. Replacement of the remaining punch card ballot card voting systems used in Indiana's counties is under way. As a result of these voting system upgrades, the percentage of Indiana voters using lever or punch card systems has been cut from 26% to 8.5% as of July 2005.**

**To protect Hoosier taxpayers and the counties which have already replaced their lever and punch card systems to comply with HAVA, the Indiana General Assembly passed Public Law 221-2005. SECTION 147 of this law, which took effect May 11, 2005, requires the county commissioners of all counties with punch card voting systems to enter into a contract with a vendor before July 1, 2005 to purchase a state certified voting system that meets HAVA requirements. This contract must also require delivery of the new voting system to the county no later than December 31, 2005. If a county fails to sign a contract by the deadline, Public Law 221-2005 permits the Secretary of State to purchase an Indiana certified voting system for those counties.**

To help reduce the costs of any particular system, the Indiana Department of Administration (IDOA) **has issued other QPAs with specific voting system vendors** to facilitate the replacement of the remaining punch card and lever machines and the implementation of one accessible **voting system** per polling place. All certified voting system vendors will be eligible to enter into **QPAs** with IDOA. The Team recommends each QPA contain provisions permitting volume discounts for voting system purchases and multi-county purchasing arrangements through intergovernmental agreements or other methods permitted by state law.

The team also recommends that the two following specifications be added to the QPA: (1) A vendor can only enter into the QPA if the vendor agrees not to charge a county interest during the period in which the county is waiting for reimbursement from the state, and (2) the vendor shall share the system's training video with the state. The team urges that the procurement

process for voting systems adhere to minority business enterprises and women owned business enterprises requirements.

Public Law 209-2003 prohibits the use of lever machines and punch card systems in Indiana elections after December 31, 2005. Like most states, Indiana **sought and was granted a waiver to extend HAVA's original deadline for replacement of all punch card and lever voting systems from 2004 until January 1, 2006.**

Under the system set up by P.L. 209-2003, funds **have been** released in the following manner: each county seeking reimbursement applies to the Indiana Election Division, an agency of the executive branch. The Secretary of State and Indiana Election Division personnel review the applications and certifications regarding polling place accessibility. The Secretary of State and Indiana Election Division recommend disbursement of funds to the Budget Committee, a bipartisan body consisting of state legislators and the state budget director. The Budget Committee is statutorily required to review these recommendations. Disbursements will be made to the counties on the approval of the State Budget Agency, an executive branch agency, after review by the Budget Committee and subject to fund availability.

**As of July 2005, 55 counties have received or have been approved to receive a total of \$21.7 million in reimbursements for upgraded voting systems. 51 Indiana counties have accessible voting equipment to meet HAVA requirements. Only eight counties need to replace punch card voting systems.**

The elimination of punch card and lever machines, along with the implementation of accessible machines, will require the use of Sections 101, 102, Title III, and state matching funds.

### ***B. Statewide Voter Registration System***

No later than January 1, 2006, the Indiana statewide voter registration system (**SVRS**) will be online in all 92 Indiana counties. **This** will allow the creation and maintenance of a more accurate list of persons legally authorized to vote in Indiana. In addition to using the system for voter registration, Indiana plans to use this single, centrally administered system to assist the Secretary of State in providing all Indiana voters access to a free web-based or phone-based information system that indicates where a voter's polling place is located and confirms a voter's registration record.

A consultant and steering committee, consisting of **Team** members, **direct impact agencies (Indiana Bureau of Motor Vehicles, Indiana Department of Health, and the Indiana Department of Correction)**, and representatives from the clerks' and voter registration officials' association, **is assisting** in the implementation of **SVRS, along with ten "pilot counties" who volunteered to assist with the early phases of system rollout .**

**The State has entered into a contract with a vendor, Quest Information Systems, Inc., for the implementation of SVRS. Per the Team's recommendation,** the procurement process for the consultant and the statewide voting registration system **adhered** to minority business enterprises and women owned business enterprises requirements.

The continuous maintenance of the statewide voter registration system will require a well-coordinated interaction between county officials and state officials. Each county voter registration office, the Indiana Election Division, and the Secretary of State will have immediate electronic access to the information contained in the computerized list.

**Under the SVRS, the county voter registration office may change only data related to the voters registered in that respective county. The county voter registration office must electronically enter all voter registration information obtained by the county voter registration office into the computerized list on an “expedited basis.” “Expedited basis” is defined by Indiana law as “...processing of a voter registration application...a cancellation of a voter registration application... a transfer of a voter registration application; or... another document that creates or amends the voter registration of an individual...not later than 48 hours after the document is received by a county voter registration office or an agency... required to transmit voter registration documents to a county voter registration office” (Ind. Code 3-5-2-23.2).**

The county voter registration office shall perform list maintenance with respect to the computerized list on a regular basis. The Indiana Election Division shall coordinate the computerized list with the Indiana Department of Correction records so the county voter registration office can cancel the registration records of disfranchised individuals on an expedited basis. The Indiana Election Division shall also coordinate the computerized list with the Indiana State Department of Health so the county voter registration office can cancel the registration records of deceased individuals on an expedited basis.

The Secretary of State, the Co-Directors of the Indiana Election Division, and the Bureau of Motor Vehicles Commission shall enter into an agreement to match information in the computerized list database with information in the database of the Bureau of Motor Vehicles Commission to enable the Indiana Election Division and the commission to verify the accuracy of the information provided on voter registration applications. This link will also serve as the access point for the Indiana Election Division to obtain and verify certain information from the Social Security Administration in accordance with HAVA. Indiana statute defines a unique identifier which will be assigned to each individual by the Indiana Election Division; this will assist in maintaining the accuracy of the statewide voter registration system.

### ***C. First-time Mail-in Registrant Requirements***

HAVA requires certain first-time mail-in registrants to provide identification. The type of identification that shall be provided includes the following: (1) a current and valid photo identification, or (2) a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.

Exceptions: Voters exempt from these requirements include those entitled to vote by absentee ballot or other than in person under the Uniformed and Overseas Citizens Absentee Voting Act and the Voting Accessibility for the Elderly and Handicapped Act.

County voter registration offices **were** required by Public Law 209-2003 to identify the first-time mail-in registrants required to provide this additional documentation, and to mail a notice to

these voters no later than March 1, 2004 requesting a copy of these documents. As a result, the county voter registration offices **attempted** to secure the required documentation from as many of these voters as possible before the May 2004 primary.

**When a county voter registration office is able to use the SVRS to match a voter identification number (Indiana driver's license or last four digits of the voter's Social Security number), name, and date of birth, as submitted on a voter's registration application, with data provided by the BMV or federal Social Security Administration, the number of first-time mail-in voters required under HAVA to provide additional documentation should be reduced.**

**The General Assembly also enacted legislation in 2005 to require a voter (with certain exceptions) to produce photo identification before casting a regular official ballot. (Public Law 109-2005, SEA 483). Poll worker training and voter education regarding both of these identification requirements are discussed in Section 3 (page 18) of the Plan.**

#### *D. Provisional Balloting*

A **state level** free access system will be established upon the completion of **SVRS** to provide a voter information as to whether **that voter's** provisional ballot was counted; if the ballot was not counted, information as to the reason will be available. **Before the SVRS becomes operational**, county election boards will make this information available to any voter upon inquiry by the voter. The county election boards shall maintain reasonable procedures to protect the security, confidentiality and personal information relating to a provisional voter.

#### *E. Statewide Grievance Procedure*

Indiana legislation **establishes** a statewide grievance procedure to comply with the HAVA requirement that a state based administrative complaint procedure be in place. Title III funds will be used to establish this process which is explained in detail in section 9 (page 50) of this plan.

#### *F. Training and Education*

The Secretary of State, through the Indiana Election Division, intends to expand upon the current training and educational opportunities for poll workers and voters, which are explained in detail in Section 3 (page 18) of this plan.

**Public Law 230-2005 (SEA 341) states the Indiana Secretary of State shall administer a certified election worker program which must consist of courses that cover several aspects of election administration, including the duties of precinct election officers, the laws and procedures governing the operation of voting systems, and effective communications and problem solving techniques. An election worker's certification expires January 1 of the fourth year following certification. The Secretary may establish and administer requirements for the renewal of certification.**

An election official and poll worker certification process will be developed and administered by the IED of the Secretary of State's office to more effectively train local election officials and poll

workers; special focus will be on HAVA's requirements of accessible voting systems and polling places, provisional ballots and documentation for first-time mail-in registrants. **Public Law 109-2005 (SEA 483), the photo identification requirement discussed in subsection C. of this Section will be a major focal point of new training initiatives.**

## ***Section 2***

***Sec. 254 (a) IN GENERAL – The State plan shall contain a description of each of the following:***

***(2) How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of –***

***(a) The criteria to be used to determine the eligibility of such units or entities for receiving the payment; and***

***(b) The methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measure adopted under paragraph (8)***

The performance measures outlined in Section 8 (page 41) of this document will be used to gauge participation and effectiveness of distributions. Performance measures will be monitored by the Indiana Election Division upon the completion and submission of election reports by the county as required by the law. **Upon compilation of this data, the** Indiana Election Division will provide a report to each Vote Indiana Team member summarizing progress under the performance measures.

**During 2004, the IED worked with the individual then serving as HAVA Training and Education Coordinator to begin the process of collecting and analyzing this data. This work included revisions of the form provided to counties for the post-election reports required by state law. Further progress in collecting and compiling this data will occur as part of the implementation of SVRS and additional coordination with county election offices in 2006.**

### ***A. Voting Systems***

The Indiana Department of Administration will issue **additional** Quantity Purchase Agreements (QPA) for **certified** voting system purchases to provide counties with the greatest number of options for voting system purchases and greatest amount of information to use in evaluating voting systems. HAVA funds will be placed in the Election Administration Assistance Fund. Funds will be distributed based on availability and by the priorities set by the Vote Indiana Team and any pertinent statutory requirements. All distributions are subject to federal and state audit standards.

Under the system set up by P.L. 209-2003, funds **have been** released in the following manner: each county seeking reimbursement applies to the Indiana Election Division, an agency of the executive branch. The Secretary of State and Indiana Election Division personnel review the applications and certifications regarding polling place accessibility. The Secretary of State and

Indiana Election Division recommend disbursement of funds to the Budget Committee, a bipartisan body consisting of state legislators and the state budget director. The Budget Committee is statutorily required to review these recommendations. Disbursements will be made to the counties on the approval of the State Budget Agency, an executive branch agency, after review by the Budget Committee and subject to fund availability.

Under a memorandum of understanding or **state reimbursement grant requirements**, failure to comply with any portion of Title III may result in the county being liable for all previously disbursed funds to that county from the state fund.

### ***B. Statewide Voter Registration System***

The development **and** conversion, of each county's data **as part of the implementation of SVRS is defined by the agreement between the state and the vendor, with consultation from county representatives and other Steering Committee members.**

The **ongoing** maintenance of the statewide voter registration system will require well coordinated interaction between county officials and state officials **to ensure that SVRS operates continuously, accurately, and in conformity with HAVA and state law.**

## ***Section 3***

***Sec. 254 (a) IN GENERAL – The State plan shall contain a description of each of the following:***

***(3) How the state will provide programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of Title III.***

The Indiana Election Division will provide traditional and alternative training tools to local election officials for topics such as poll worker training and voter training regarding voting equipment. The Indiana Election Division will enlist active input from and work with disability advocacy groups in designing poll worker training. The Indiana Election Division will provide continuing education annually for local county election boards, clerks of the circuit court, and voter registration officials; sessions will include information about HAVA's requirements.

**With regard to SVRS training, frequently** scheduled and regionally located training sites will be used for **county** registration officials so they will be able to use the statewide voter registration system to its fullest potential. **SVRS** will also contain an online help query.

The training efforts proposed by this plan are designed to meet three goals.

1. There will be various methods of training available to effectively train poll workers so they are aware of voters' rights, sensitive to voters' needs, and proficient in their jobs; special emphasis will be placed on provisional ballots, voters with disabilities and voter identification needs. This training will include the following:

- video streaming of poll worker training (internet access to training videos)
- agreements with local government television stations to air poll worker training
- a master video on poll worker training for use by county election officials, **with additional video material customized to reflect the current varieties of optical scan, direct record electronic voting systems, and paper ballot voting used in Indiana counties.**
- training for provisional ballot counters
- written materials and web information on Voter's Bill of Rights, provisional ballots, **photo identification requirements** and overvoting
- a "teach the teacher" certification program for individuals who provide instruction on voting machine usage
- products that include interaction with voters with disabilities (physical, sensory and cognitive impairments)

2. There will be on going training of full service voter registration agency employees and county election administrators so each understands the needs of voters with disabilities, voters who do not speak English, media, political party officials and campaign workers. This training will include the following:

- production of written materials and online information
- coordination with local advocacy groups to develop and target delivery of materials
- development of videos **and digital video disks (DVDs), with** internet access to these videos)
- production of a video for county commissioners and others charged with selecting polling places

3. There will be efforts to increase voter participation by providing information about the voting process to better educate voters. **This information will include** information about voting systems, **photo identification requirements, voter rights and responsibilities,** accessibility and military/overseas voting. This will include the following:

- development of agreements with local government and public television stations to air voter instructions on use of voting equipment and information about voter rights
- production of a master video on voter education
- **offering assistance to county election boards which wish to** arrange for **the** display of voting equipment in malls and local library systems
- Development/Production of Public Service Announcements and NCAS
- Production of written materials and web information on Voter's Bill of Rights, **photo identification requirements,** provisional ballots and overvoting
- Publication of Military/Overseas voter guide with a focus on absentee balloting process including additional information on military/overseas voting on Indiana Election Division website

In the spirit of fully informing local government officials who must carry out activities required under HAVA, the Team fully supports the idea of conducting HAVA workshops targeted to Indiana's local government officials. **These** opportunities may occur during the annual meetings of the Association of Indiana Counties and Indiana Association of Cities and Towns.

The **Plan's** budget (**set forth in section 6**), sets aside \$3.9 million for voter education, election official education and training, and poll worker training. The plan calls for \$1.4 million of the \$3.9 million to be set aside for voter education.

The Secretary of State and Indiana Election Division will prepare a training and voter education budget to provide the Vote Indiana Team. **The Team recognized** that significant training and voter education efforts **were required** to prepare for the 2004 election and **to** proceed before a final **training and education** budget was completed.

**Based on the experience gained through the poll working training and voter education efforts undertaken for the 2004 election, the training and voter education budget will emphasize the production of “easy to understand” publications for the widest possible distribution to voters and on a “teach the teacher” approach in providing video and written publications for incorporation by county election boards into the county’s own poll worker education process.**

**The establishment of the state certified poll worker program will supplement these county training efforts. Providing incentive (and recognition) for motivated poll workers to maintain and improve their skills in election administration.**

## ***Section 4***

***Section 254 (a) IN GENERAL – The state plan shall contain a description of each of the following:***

***(4) How the state will adopt voting system guidelines and processes which are consistent with the requirements of Title III.***

Indiana Code 3-11-15-13.3 sets forth voting systems guidelines and processes consistent with the Voting Systems Standards set forth in HAVA. A voting system certification expires **on October 1, 2005 or four** years after **that** date, **following** approval of the system by the Commission.

- Under Indiana law, the Indiana Election Commission must approve any model of voting system before it may be used in an election. Indiana law now requires that a voting system shall meet the Voting Standards adopted by the Federal Election Commission on April 30, 2002 to be approved by the Commission for use in Indiana.
- Under Indiana law, the Commission may not approve a voting system for use in Indiana unless the system meets the **requirements for voting systems set forth** in the Indiana Code. The **requirements** include ensuring secrecy and, in the case of a direct recording electronic voting system, preventing a voter from voting for the same candidate or for or against the same public question more than once. In cases where an optical scan ballot card system is used with a precinct tabulator, voters are alerted by the system to any overvote and provided with an opportunity to correct any overvote error. Where paper ballots or optical scan ballot card voting systems without precinct tabulators are used or absentee ballots are mailed out,

Indiana law **requires** a voter education program **be developed before 2006** to inform voters using these systems of the effect of overvoting.

- Current Indiana law establishes uniform and nondiscriminatory standards to define what constitutes a vote on a paper ballot, optical scan voting system and electronic voting system. As referenced in the landmark United States Supreme Court decision in *Bush v. Gore*, 531 U.S. 98 (2000), Indiana statutes set forth very specific standards for determining what constitutes a vote in each type of voting system that may be used.
- The Indiana Code and election manuals produced by the Indiana Election Division are both very specific on how to accurately count each vote.

**Public Law 221-2005 (HEA 1407) requires the Secretary of State to establish the Voting System Technical Oversight Program. Under this Program, the State will contract for technical assistance in performing a number of tasks related to the certification of voting systems in Indiana. Based on the initial request for proposals issued by the State to implement this statute, approximately \$600,000 of HAVA funds should be budgeted for the administration of this Program through July 2007.**

Indiana law requires that voting systems be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters. A county satisfies these requirements if the election board provides at least one electronic voting system or other voting system equipped for individuals with disabilities at each polling place. **In accordance with HAVA requirements, Indiana law provides** that each voting system (1) produce a permanent paper record with a manual audit capacity for the system and (2) provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced. The paper record produced must be made available as an official record for a recount or contest conducted with respect to any election in which the voting system was used.

The Team recommends the creation of a committee comprised of voters with disabilities to assist in the certification process of voting systems and to evaluate voting systems' accessibility. **This committee could work in conjunction with the entity conducting the Voting System Technical Oversight Program to provide additional information to the Indiana Election Commission in the certification of voting systems.**

## ***Section 5***

***Section 254 (a) IN GENERAL – The state plan shall contain a description of each of the following:***

***(5) How the state will establish a fund described in subsection (b) for purposes of administering the State's activities under this part, including information on fund management.***

The Indiana Election Administration Assistance Fund (hereinafter "the fund") **was established** under Public Law 209-2003.

The fund consists of all money allocated to the state by the federal government

- (1) under Section 101 of HAVA (improvements to election administration generally),
- (2) under Section 102 of HAVA (funds used exclusively for replacement of punch card and lever machines),
- (3) under Title II, Subtitle D, Part I of HAVA (funds to meet Title III requirements including funds to bring all voting systems into compliance with HAVA accessibility requirements, statewide voter registration list, provisional balloting, grievance procedure and administration, etc.), and
- (4) under any other program for the improvement of election administration.

The fund also **contains** money appropriated to the fund by the Indiana General Assembly.

Within the fund, a total of five accounts have been established: an account for each of the first three sources of allocations **and state matching funds** described above, **a fund collecting interest generated from the aforementioned funds, and a fund which receives Section 261 HAVA funds concerning polling place accessibility. The Section 261 fund operates in arrears and is balanced through the Election Assistance for Individuals with Disabilities (EAID) grant.** There are restrictions, based on HAVA requirements, placed on distribution of money from each account.

Under the system set up by P.L. 209-2003, funds **are** released in the following manner: each county seeking **voting equipment** reimbursement applies to the Indiana Election Division, an agency of the executive branch. The Secretary of State and Indiana Election Division personnel review the applications and certifications regarding polling place accessibility. The Secretary of State and Indiana Election Division recommend disbursement of funds to the Budget Committee, a bipartisan body consisting of state legislators and the state budget director. The Budget Committee is statutorily required to review these recommendations. Disbursements will be made to the counties on the approval of the State Budget Agency, an executive branch agency, after review by the Budget Committee and subject to fund availability.

Indiana's Budget Committee is a unique entity. The State Budget Committee has five members, with four alternate members who each may have voting privileges in the absence of a member. This liaison committee is comprised of the state budget director, two members of the Senate, one Republican and one Democrat, and two members of the House of Representatives, one Republican and one Democrat. The Committee continues to meet even when the General Assembly is not in session.

**The HAVA Administrator, an employee of the Secretary of State, is charged with the day-to-day responsibilities of managing each of these accounts to ensure the distribution of funds in accordance with federal and state laws. The HAVA Administrator works with the State Budget Agency, the Auditor of State, and the Indiana Election Division Co-Directors to carry out these responsibilities. The HAVA Administrator also seeks clarification from the federal Election Assistance Commission concerning the federal audit requirements applicable to these accounts.**

## *Section 6*

**Sec. 254 (a) IN GENERAL – The State plan shall contain a description of each of the following:**

**(6) The state’s proposed budget for activities under this part, based on the State’s best estimates of the costs of such activities and the amount of funds to be made available, including specific information on-**

- (a) the costs of the activities required to be carried out to meet the requirements of Title III;**
- (b) The portion of the requirements payment which will be used to carry out activities to meet such requirements; and**
- (c) The portion of the requirements payment which will be used to carry out other activities.**

**Budget:**

**The total federal appropriations for HAVA, as of July 2005, were less than the amounts originally authorized by the federal legislation.**

The following table outlines the assumptions regarding federal funding that the State has used in creating its budget for HAVA activities. These numbers reflect the following: (1) \$15,752,875 in early payments received by Indiana as of June 17, 2003 (consisting of \$9,522,394 in Section 102 payments and \$6,230,481 in Section 101 payments); and (2) **\$48,544,987 in Title III requirement payments received by Indiana as of June, 2004.**

**The Plan assumes that no additional federal HAVA funds will be received (other than Section 261 funds from the US Department of Health and Human Services).**

**Since full funding was not received from the federal government, Indiana may not be able to initiate HAVA mandates described in this State Plan in the time prescribed.**

Indiana legislation was enacted to allow for each required state match (Public Law 224-2003, SECTION 98; Public Law 246-2005, SECTION 3.). **Two of the three state matches were appropriated within the same federal fiscal year (FY 2004).**

<b>Federal Fiscal Year</b>	<b>Total Federal funds</b>	<b>Indiana federal funds</b>	<b>5% match</b>
<b>Early Payments</b>	\$325,000,000 (Sec. 101) \$325,000,000 (Sec. 102) (appropriated)	\$15.8 million	N/A
<b>FY 2003</b>	\$810,000,000 (appropriated)	\$17.3 million	\$865,000
<b>FY 2004</b>	<b>\$1,498,360,620 (appropriated)</b>	<b>\$31.17 million</b>	<b>\$1,558,641</b>

<b>FY 2005</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Total</b>	<b>\$2,969,360,620</b>	<b>\$64.27 million</b>	<b>\$2,423,641</b>

***Additional Funding: Health and Human Services grant***

**Section 261 of HAVA** also authorizes the United States Secretary of Health and Human Services (HHS) to administer a grant program to do the following: (1) make polling places, including the path of travel, entrances, exits, and voting areas of each polling place more accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence as other voters); and (2) provide individuals with disabilities and other individuals described in (1) with information about the accessibility of polling places, including outreach programs to inform the individuals about the availability of accessible polling places and training election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities in elections.

The federal omnibus budget bill of 2003 and Indiana’s Public Law 209-2003 authorize the state (through the Secretary of State, with the consent of the Indiana Election Division Co-Directors) to apply for grant funds. The funds are distributed based on each state’s voting age population as a percentage of the national voting age population.

**In response to applications submitted by the Secretary of State in each of three federal fiscal years, Indiana received the following as its share of these funds:**

\$251,048      **FY 2003.**  
**\$175,350      FY 2004**  
**\$174,040      FY2005**

To provide individuals with disabilities with information regarding the accessibility of polling places, the Secretary of State’s office conducted a statewide survey utilizing people with disabilities as the survey takers. The Governor’s Planning Council for People with Disabilities (GPCPD) coordinated the survey project, tabulated the data, and provided the information to the counties. **The State expended \$60,000 to conduct this survey and has prepared a budget for the use of the remaining funds (\$540,438).**

GPCPD also assisted local election officials with the formation of local advisory councils consisting of elderly voters, voters with disabilities, and local election officials. The local councils review the accessibility survey results and make recommendations to the county executive about making accessibility accommodations and/or moving polling places to accessible locations.

Indiana **also adopted** the following standards for polling place accessibility under Public Law 116-2003:

“For purposes of this chapter, a facility is an accessible facility for elderly voters and voters with disabilities only if the following apply:

- (1) The facility meets the standards for accessibility for elderly voters and voters with disabilities established under 42 U.S.C. 1973ee-1 through 42 U.S.C. 1973ee-6
- (2) All the following are accessible to elderly voters and voters with disabilities in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters:
  - (A) Parking spaces marked and available to conform with IC 5-16-9
  - (B) The path to the facility that an individual must travel on the property where the facility is located
  - (C) The entrance of the facility to be used by voters
  - (D) The paths of travel within the facility to the rooms or areas where the voting system is located
  - (E) The rooms or areas in the facility where the voting systems are located.”

*Distribution of Indiana's HAVA funds (This chart is based on a \$66.67 million budget.)*

**Total money:  
\$66.67 million**

<p><b><u>19.5 %</u></b> on SVRS which equals <b><u>\$13 million</u></b> from Sec. 101, Title III requirements monies and state matching funds</p>
<p><b><u>5.8 %</u></b> on Training and Education which equals <b><u>\$3.9 million</u></b> from Sec. 101 and Title III requirement monies. \$1.4 million will be taken from the Sec. 101 funds for Voter Education.</p>
<p><b><u>13%</u></b> on Strategic Reserve (to meet any HAVA requirements) which equals <b><u>\$8.7 million</u></b> from Section 101 and Title III requirement monies</p>
<p><b><u>.07%</u></b> on Administration of Grievance Procedure which equals <b><u>\$50,000</u></b> from Title III requirement monies</p>
<p><b><u>.7%</u></b> on Administration of HAVA which equals <b><u>\$500,000</u></b> from Sec. 101 funds</p> <ul style="list-style-type: none"><li>• This will include administrative costs associated with the development and oversight of Title III programs and other administrative costs.</li></ul>
<p><b><u>60%</u></b> on Voting Equipment which equals <b><u>\$40.1 million</u></b> from Sec. 101, 102, Title III requirement monies and state matching funds</p> <ul style="list-style-type: none"><li>• Tier A = precincts (2983) that used punch card or lever in 2000</li><li>• Tier B = all other remaining precincts (2619)</li></ul>

<u><i>Account</i></u>	<u><i>Amount</i></u>	<u><i>Distribution</i></u>	<u><i>Not Allocated</i></u>
<b><i>Section 101</i></b>	\$6,230,481 (received)	Training & Education \$1,730,481 Administration \$500,000 Voting Equipment \$2,000,000 Strategic Reserve \$2,000,000	Not Allocated \$ 0
<b><i>Section 102</i></b>	\$9,522,394 (received)	Voting Equipment \$9,522,394	Not Allocated \$0
<b><i>Title III Requirement Monies</i></b>	<b>\$48,544,987 (received)</b>	Voting Equipment \$26,730,481 Voter File \$10,900,000 Grievance <b>\$50,000</b> Training and Education 2,169,519 <b>Strategic Reserve \$8,694,987</b>	Not Allocated <b>\$0</b>
<b><i>State Match</i></b>	<b>\$2,423,641 (received)</b>	Voting Equipment \$1,886,408 Statewide Voter File \$100,000	Not Allocated <b>\$437,233</b>
<b><i>Total</i></b>	<b>\$66,721,503</b>	<b>\$66,284,270</b>	Not Allocated \$133,592

### ***A. Voting Systems***

It will be necessary to use Section 101, Section 102, Title III and state matching fund monies **to comply with HAVA voting systems requirements**. Indiana had more than half of its voters using punch card or lever machines in November 2000.

### ***Voting System Certification***

Indiana law **currently** incorporates the 2002 FEC **voting system** standards.

**The legislature has enacted the legislation recommended by the 2003 Plan to provide the following: (1) although punch card voting systems may continue to be used in Indiana elections until December 31, 2005, the existing certifications for these systems have been revoked so no additional marketing of the systems can occur; and (2) to provide for more detailed scrutiny of applications for voting system certification, a four year term for certification has been established, with all existing applications expiring October 1, 2005 and coming up for renewal during the off election year, notwithstanding any upgrades or improvements approved during the four year term.**

### *Tier Structure for Voting System Reimbursement*

Counties will be divided according to the following levels and definitions:

- Tier A = Qualifying Precincts under HAVA (precincts that used punch card or lever machines in the 2000 general election)
- Tier B = all remaining Indiana precincts

The state will set aside \$40.1 million to reimburse counties in the following manner:

- All counties will be eligible for reimbursement for up to \$50,000 for voting system software to operate the voting systems within the county. This reimbursement will be available in any fiscal year. **If a county purchases this software for less than \$50,000, but pays more per precinct for voting systems, the county may also receive an amount equal to the county's savings on software costs to pay for additional voting systems.**
- Tier A will be reimbursed up to \$8,000 per precinct.
- Tier B will be reimbursed up to \$4,000 per precinct.
- Tier A will be reimbursed on a first come, first served basis of federal FY 03 funds.
- Remaining precincts (those in Tier A who have not been reimbursed and Tier B) will be reimbursed on a first come, first served basis of federal FY 2004 funds.

The Team recognizes that this Plan proposes a reimbursement level for Tier A counties (up to \$8,000) that exceeds HAVA's reimbursement amount for qualifying precincts using Section 102 monies (\$3,192). It is the Team's intent to prioritize federal funding to alleviate as much as possible the possibility of an unfunded federal mandate while still being mindful of all of Indiana's reform obligations under HAVA.

### *Quantity Purchase Agreement (QPA)*

The Election Division **has worked** with the Indiana Department of Administration to enter into quantity purchase agreements with each vendor of a voting system currently certified for marketing and use in Indiana. **With the expiration of these initial QPAs, the Election Division has been working with interested voting system vendors to enter into new QPAs with each of the vendors for voting systems certified for marketing and use in Indiana.**

### *Lease or Lease-Purchase of Voting System*

State law (Indiana Code 3-11-6.5-0.7) specifically provides that an agreement to lease or lease-purchase voting system permits a county to qualify for reimbursement. The Team recognizes that

this may be a practical option for some counties to pursue due to the lack of suitable year-round climate-controlled storage space for voting systems.

### ***Application Process for Voting System Reimbursement***

The voting system reimbursement application process will be administered in accordance with the “first come, first served” process described in this subdivision.

Indiana Code 3-11-6.5-4, as amended by Public Law 209-2003, SECTION 123, states that “To receive reimbursement for the purchase of voting systems... a county must file an application with the election division... If a county filed an application under section 3 of this chapter (repealed) not later than January 31, 2003, the application may be amended to comply with this chapter or the county may file a new application...”

Indiana Code 3-11-6.5-6.1, as added by Public Law 209-2003, SECTION 124, states “When approving applications for reimbursement for voting systems... the budget agency shall give priority to approving applications to replace a punch card voting system or lever voting machine system.” The Team understands this statute to require that priority be given to Tier A county applications before Tier B county applications.

“First come, first served” will be determined strictly on the basis of the date and time that an amended application, or first time application from a county, is filed with the Election Division.

### ***Application for Section 102 funds***

The Election Division notified the circuit court clerks of counties with qualifying precincts which submitted an application for voting system reimbursement under Indiana Code 3-11-6.5 before January 31, 2003, that the county must file an *amended* application with the Election Division no later than October 31, 2003 to receive the initial disbursement of Section 102 money under this Plan.

**The clerks were advised that, unless** the original application already contained this information, the amended application must:

- (1) list the names of the precincts in the county which were qualifying precincts as of November 2000;
- (2) list the physical location (and mailing address if available) of the polling places designated in November 2002 to serve the residents of that precinct;
- (3) state that the county election board will cooperate with the polling place accessibility survey scheduled for May 2004, subject to any amendments required to state law to permit access to polling places by survey personnel;
- (4) subject to the availability of Title III requirement monies to the county before October 1, 2004, certify that the county will make all permanent or temporary improvements to the polling place no later than October 1, 2004 to comply with the accessibility standards set forth in state

law (Indiana Code 3-11-8), and to the extent possible, make any additional improvements identified in the May 2004 survey that are not specifically required by state or federal law;

(5) certify that, as of December 31, 2005, the polling place used for the precinct will contain at least one voting system to permit a voter who is blind or visually impaired to vote privately and independently in accordance with Public Law 209-2003;

(6) certify that no later than December 31, 2003, the county will adopt an ordinance to establish a local advisory council comprised of representatives of the disabilities community and elderly voters to provide assistance to the county in choosing accessible polling places;

(7) list the date the county entered into a contract for the purchase, lease, or lease-purchase of voting system. (An executed and attested copy of the contract or adequate evidence of a contract must be attached);

(8) state whether this purchase or lease was entered into under a state quantity purchase agreement with a vendor certified to market voting systems in Indiana;

(9) include a written guarantee signed by the vendor that the voting systems obtained by the county comply with all requirements of Indiana and federal law in effect as of the date of the amended application for Section 102 monies;

(10) include a certification by the county fiscal body that the Section 102 monies received by the county will be used to pay any outstanding obligation incurred by the county for the voting system purchase subject to the reimbursement;

(11) include a certification by the county fiscal body that if these obligations have already been paid in full or in part by the county, that any remaining Section 102 reimbursement funds will be used to improve the administration of elections for federal office in the county.

The Election Division may prescribe that other information be included in the amended application and **has assisted several counties** in amending the previously filed application **or submitting a reimbursement application for the first time**.

The Secretary of State with the consent of the Co-Directors of the Election Division will, to the extent possible, review **these** applications as expeditiously as possible upon receipt. **The** Secretary of State **will promptly** submit recommendations to the State Budget Committee regarding these applications. After completion of Budget Committee review and authorization by the Budget Agency, the Secretary of State will work with the Auditor of State and Treasurer of State to ensure the prompt disbursement of the Section 102 funds to these counties.

If a county which contains qualifying precincts did not file an application for voting system reimbursement before January 31, 2003, the Election Division **has notified** the county circuit court clerk that the county must file an application to receive the initial disbursement of Section 102 money under this Plan. The Election Division **has prescribed (and subsequently amended)** the form of the application to be used by the county to request reimbursement. However, the application must contain at least the information contained in the version of the

application filed by counties before January 31, 2003, and the information required for amended applications.

The deadline for a county to ensure that a polling place complies with the accessibility requirements set forth in Indiana Code 3-11-8-6 **has been** extended to March 31, 2006 **based on the information obtained from the statewide comprehensive polling place survey described in this Plan. The March 31, 2006 date reflects the deadline for county election officials to designate polling places for the May 2006 primary. The December 31, 2003 deadline for counties to establish a local advisory council has also been extended to December 31, 2005 to encourage ongoing county efforts to obtain input from persons with disabilities.**

### *Application for Title III Requirement Monies and State Matching Funds*

The State **has** received the Title III requirement monies and state matching **funds and has notified** all counties that an application may be submitted for reimbursement of voting system purchases. This notice **specified** the information required to be submitted as part of the application.

Unless the original application already contains this information, the application for Title III requirement monies and state matching funds must:

- (1) list the name of each precinct in the county as of the date of the application;
- (2) list the physical location (and mailing address if available) of the polling place designated in November 2004 (or that will be designated in the May 2006 election) to serve the residents of that precinct;
- (3) state that the county election board will cooperate with the polling place accessibility survey scheduled for 2004, subject to any amendments required to state law to permit access to polling places by survey personnel;
- (4) certify that the county will make all permanent or temporary improvements to the polling place for the precinct no later **than March 31, 2006** to comply with the accessibility standards set forth in state law (Indiana Code 3-11-8), and to the extent possible, make any additional improvements identified in the survey that are not specifically required by state or federal law;
- (5) certify that, as of December 31, 2005, the polling place used for the precinct will contain at least one voting system to permit a voter who is blind or visually impaired to vote privately and independently in accordance with Public Law 209-2003;
- (6) certify that no later than December 31, 2003, the county will adopt an ordinance establishing a local advisory council comprised of representatives of the disabilities community and elderly voters to provide assistance in choosing accessible polling places;

(7) the date the county entered into a contract for the purchase, lease, or lease-purchase of voting system. (An executed and attested copy of the contract or adequate evidence of a contract must be attached);

(8) whether this purchase or lease was entered into under a state quantity purchase agreement with a vendor certified to market voting systems in Indiana;

(9) a written guarantee signed by the vendor that the voting systems obtained by the county comply with all requirements of Indiana and federal law in effect as of the date of the amended application for Title III requirement monies;

(10) include a certification by the county fiscal body that the monies received by the county will be used to pay any outstanding obligation incurred by the county for the voting system purchase subject to the reimbursement;

(11) include a certification by the county fiscal body that if these obligations have already been paid in full or in part by the county, that any remaining funds will be used to improve the administration of elections for federal office in the county.

The Election Division may prescribe that other information be included in the application, and shall assist each county in amending any previously filed application.

In the review of applications for disbursement of Title III requirement monies and state matching funds, the State **has followed** the same procedures described in this Plan for the disbursement of Section 102 monies.

**The deadline for a county to ensure a polling place complies with the accessibility requirements set forth in Indiana Code 3-11-8-6 has been extended to March 31, 2006 based on the information obtained from the statewide comprehensive polling place survey described in this Plan. The March 31, 2006 date reflects the deadline for county election officials to designate polling places for the May 2006 primary. The December 31, 2003 deadline for counties to establish a local advisory council has also been extended to December 31, 2005 to encourage ongoing county efforts to obtain input from persons with disabilities.**

**The following procedure applies to a county which has completed the voting system upgrades required to comply with HAVA, and received total reimbursement from all funds in an amount less than the total available to the county under the Plan: The county is entitled to receive an amount of Title III funds and State Match Funds equal to the unexpended county costs for the voting system upgrade. Funds received by the county under this procedure may only be used for to meet Title III requirements, with preference being given for county reimbursement for expenditures to ensure polling place accessibility. The county may apply for the remaining funds by submitting an amendment to its previous application for voting system reimbursement.**

### *Application for Section 101 funds*

The Team recommends that the Section 101 funds budgeted for voting system reimbursement be expended for reimbursement for the purchase of voting system after January 1, 1998 and before July 1, 2001 if the voting system meets the standards permitting reimbursement under Indiana Code 3-11-6.5. HAVA permits Section 101 funds to be expended for improving the administration of elections for federal office, including replacing voting systems, but does not specify any time limits during which the replacement must be made to qualify for reimbursement from these funds.

Unless the original application already contains this information, the application for Section 101 monies must:

- (1) list the name of each precinct in the county as of the date of the application;
- (2) list the physical location (and mailing address if available) of the polling place designated in November **2004** (or that will be designated in the May **2006** election) to serve the residents of that precinct;
- (3) state that the county election board will cooperate with the polling place accessibility survey scheduled for May 2004, subject to any amendments required to state law to permit access to polling places by survey personnel;
- (4) certify that the county will make all permanent or temporary improvements to the polling place for the precinct no later than **March 31, 2006** to comply with the accessibility standards set forth in state law (Indiana Code 3-11-8), and to the extent possible, make any additional improvements identified in the survey that are not specifically required by state or federal law;
- (5) certify that, as of December 31, 2005, the polling place used for the precinct will contain at least one voting system to permit a voter who is blind or visually impaired to vote privately and independently in accordance with Public Law 209-203;
- (6) certify that no later than December 31, 2003, the county will adopt an ordinance establishing a local advisory council comprised of representatives of the disabilities community and elderly voters to provide assistance in choosing accessible polling places;
- (7) list the date the county entered into a contract for the purchase, lease, or lease-purchase of voting system. (An executed and attested copy of the contract or adequate evidence of a contract must be attached);
- (8) state whether or not this purchase or lease was entered into under a state quantity purchase agreement with a vendor certified to market voting systems in Indiana;
- (9) include a written guarantee signed by the vendor that the voting systems obtained by the county comply with all requirements of Indiana law in effect as of the date of the amended application for these monies;

(10) include a certification by the county fiscal body that the monies received by the county will be used to pay any outstanding obligation incurred by the county for the voting system purchase subject to the reimbursement;

(11) include a certification by the county fiscal body that if these obligations have already been paid in full or in part by the county, that any remaining funds will be used to improve the administration of elections for federal office in the county.

The Election Division may prescribe that other information be included in the application, and shall assist each county in amending any previously filed application.

In the review of applications for disbursement of Section 101 monies, the State **has followed** the same procedures described in this Plan for the disbursement of Section 102 monies.

### *New Precincts*

The Team recognizes that in certain counties, new precincts may be established before December 31, 2005 to accommodate population growth. Although a new precinct would not be a qualifying precinct for which Section 102 monies would be available, the county will be required after that date to provide a fully accessible voting system for voters with disabilities at the polling place designated for the precinct.

**A county which has established a new precinct to accommodate population growth may submit an application (or amend a previously submitted application) to request additional reimbursement for purchasing voting equipment for this precinct. The County may receive reimbursement for that precinct up to the amount reimbursed for Tier B counties and upon a determination by the State that HAVA funds are available for this purpose.**

### *General Procedures for Voting System Application Review*

The Secretary of State and Election Division shall prescribe: (1) the periods during which reimbursement applications may be submitted; and (2) the content of the applications. The Secretary of State and Election Division will strive to provide counties with all available information regarding the schedule for administration of the voting system reimbursement program to enable counties to take the impact of the program into account as part of the county's process for adoption of its annual budget.

The Secretary of State and Election Division may recommend that any application be approved in whole, or in part. The recommendation may provide that action on part of an application be deferred pending further information or availability of funds, or rejected.

All recommendations regarding applications submitted during a specific application cycle may be forwarded to the State Budget Committee at one time. However, it is more likely that each application will be forwarded as soon as the recommendation for that application is complete. Likewise, the Secretary of State will strive to secure the disbursement of funds to a county as soon as possible following approval of the county's application, rather than waiting for all

applications in a specific application cycle to be approved or rejected by the State Budget Committee and Budget Agency.

In determining the recommendation regarding an application, the Secretary of State and Election Division must consider whether a precinct currently contains any voters (or contained any voters in 2000). If the precinct does not (or did not), the recommendation must not provide for reimbursement for that precinct as a qualifying precinct, or for reimbursement from any other HAVA funds.

### ***Absentee Voting Systems in Central Location***

If an application requests reimbursement for voting equipment used for casting or counting absentee ballots at a central location, or casting ballots at a polling place located at the office of the circuit court clerk or county election board, the Secretary of State and Election Division shall determine whether the equipment or software is used primarily for the casting or counting of votes. If the equipment or software is used primarily for voter registration purposes or other election administration purposes, the recommendation must not provide for reimbursement for the equipment or software.

### ***Determination of Reasonable Costs***

In reviewing applications for voting system reimbursement, the Secretary of State and Election Division shall determine whether the contract provides for products and services to be provided to the county by a vendor at a cost that is reasonable and in accordance with standard business practices in Indiana. The recommendation may not provide for reimbursement of clearly excessive or unreasonable costs. In making this determination regarding the cost of products, a product which costs no more than the cost provided for in a quantity purchase agreement entered into by the vendor with the State is considered a reasonable cost for the product.

### ***State and Federal Auditing***

Before the Secretary of State and Election Division recommend the approval of any application for voting system reimbursement, the county fiscal body and county executive must enter into an agreement with the State obligating the county to refund to the State an amount equal to the amount of the grant received by the application if the Secretary of State and Election Division determine on March 1, 2006 that: (1) in the case of Section 102 monies, the county has not replaced lever voting machines or punch card voting systems in each precinct of the county no later than December 31, 2005; (2) in the case of other HAVA funds, the county has not provided a voting system in each polling place that complies with the accessibility requirements for voters described above; and (3) in any case, that the county has not honored one or more of the certifications the county made regarding the polling place accessibility or permitted uses of fund. The agreement must provide that the county will refund the amount no later than May 1, 2006.

The agreement must also require the county to submit a report to the Election Division not later than December 31, 2005. The report must list the accessibility problems identified in the survey of polling places, and whether these problems have been resolved by temporary or permanent improvements, or whether the polling place has been relocated to an accessible facility. If the

report indicated that the problems have not yet been resolved, the report must indicate how the county will resolve the problem no later than March 31, 2006. The Election Division may require additional reports from a county until the county reports that the polling place accessibility problems identified in the survey have been resolved. A report from a county under this paragraph must be certified as accurate by majority vote of the county election board, following review and the opportunity by the local advisory council to add written comments to the report.

### ***Local Advisory Council***

A county's local advisory council may consist of any number of members, but must include at least two (2) representatives of the disability communities or elderly voters. The membership of the council shall be appointed by the county executive, who shall encourage county residents with a variety of backgrounds, partisan affiliations, and perspectives to participate. If county residents are not available to serve on the council, the county executive may partner with the Governor's Planning Council for People with Disabilities to carry out the functions of the council.

### ***Indiana Bond Bank Services and Multi-County Purchase Agreements***

The Team recommends that the Secretary of State and Election Division encourage reimbursement policies that will result in the most efficient use and widespread impact of the funds available for voting system reimbursement. For example, counties should be encouraged to explore borrowing funds at low rates from the Indiana Bond Bank to reduce financing costs prior to reimbursement and entering into multi-county purchase agreements with other counties to reduce procurement costs through quantity purchasing. *See Appendix 2*

### ***Cost Savings***

Likewise, subject to the limitations set forth in HAVA, P.L. 209-2003, and federal auditing standards, counties should be encouraged to negotiate purchases for voting system hardware and software at prices below the amount set by the state quantity purchase agreements or the reimbursement schedule set forth in this Plan.

The Team notes that Indiana law specifically provides that applications must be for voting system *reimbursement*, which implies a previous outlay of funds or a contractual obligation to do so in the future. The reimbursement schedule for hardware and software set forth in this Plan is not a "draw down" account with funds available to a county for subsequent purchases outside of the application process.

### ***Supplemental Application***

However, the Team recommends that if a county purchases software or hardware for an amount less than the amount available for allocation to the county under the reimbursement schedule set forth in this Plan, that the county be permitted to submit a supplemental application for reimbursement in an amount that does not exceed the amount saved by the county in its purchase of software or hardware at a cost below the amount in the Plan's reimbursement schedule. This

supplemental application could be submitted at the same time as the county's initial voting system reimbursement application or at any later date.

A supplemental application for reimbursement should only be recommended for approval if the reimbursement would be for an expenditure permitted by HAVA or state law to be made from the applicable HAVA account and if the SOS and IED determine that the county submitting the supplemental application has complied with all Title III requirements under HAVA or is requesting reimbursement to do so.

### *Expenses eligible for reimbursement*

If an application is made for reimbursement of voting system expenses from Title III requirement monies, a supplemental application could request reimbursement for expenditures made by the county to comply with any HAVA Title III requirements. These expenditures would include the purchase of additional voting systems that provides full access to voters with disabilities; training and other materials related to provisional ballots (not the ballots themselves); costs related to the identification of the mail-in registrants required to produce additional documents and mailings to those voters. However, reimbursements for purchasing voting systems before November 2000 would not qualify since these purchases are not covered under the Title III requirement payments.

Operational expenses, legal expenses, paper expenses, and interest expenses may be eligible for reimbursement.

The same restriction would apply to a supplemental application requesting voting system reimbursement from state matching funds, since HAVA Section 253(b)(5) requires that the State appropriate these funds for "carrying out the activities for which the requirements payment is made." As a result, these state matching funds would presumably be subject to the same use restrictions as the federal Title III requirement monies received by the State.

Likewise, if an application is made for reimbursement of voting system expenses from Section 102 monies, a supplemental application could request reimbursement only for purchasing additional voting systems to replace lever machines or punch card voting systems after November 2000.

However, if an application is made for reimbursement of voting system expenses from Section 101 monies, a supplemental application could request reimbursement for purchasing voting systems after January 1, 1998 and before July 1, 2001 if the voting system meets the standards permitting reimbursement under Indiana Code 3-11-6.5, as amended in 2003. HAVA permits Section 101 funds to be expended for voting system replacement that improves election administration in a state, but does not specify any time period during which the purchase must have been made to qualify for disbursement.

To ensure that the disbursement of these funds comply with HAVA and P.L. 209-2003, the Secretary of State and Election Division must specify the accounts that are the source of each disbursement made for voting system reimbursement. For accounting purposes, this Plan assumes that disbursements will be made from available funds in the following order: Section

102 funds; Title III requirement monies; state matching funds. Disbursements from Section 101 funds for voting system reimbursement will not be made in any year until the Section 102 funds, Title III requirement monies, and state matching funds available in that fiscal year have been disbursed.

### *Use of Traditional Paper Ballots*

It is possible that a county may choose not to apply for reimbursements for voting system upgrades or may not qualify for the reimbursement sought by the county's application. In that case, Public Law 209-2003 requires that county to cease using any punch card voting system currently used by the county no later than December 31, 2005.

If the county has not acquired a voting system by that date which complies with HAVA, the only remaining option for the county under Indiana law is to use traditional paper ballots to conduct the election. In any event, the county must acquire at least one fully accessible voting system for each polling place for use by blind voters or voters with other disabilities. The Team recommends that the Secretary of State and Election Division monitor the situation in counties which currently use punch card voting systems to determine whether additional **action** will be necessary to complete the phase-out of these obsolete voting systems.

### *B. Statewide Voter Registration System*

The Secretary of State with consent of the Co-Directors will implement a statewide voter registration system that complies with Title III HAVA requirements. A team of circuit court clerks, voter registration officials from different sized counties, and Statewide Voter File subgroup members will serve in an important advisory role in the selection of a vendor, development of the system, and the conversion of data for the system. The use of an independent consultant disqualified from submitting a response to the Request for Proposal for the statewide voter registration system will assist in providing necessary guidance from an entity with no financial interest in the final product.

### *Statewide Voter Registration System Costs*

The development costs of the statewide voter registration system will be assumed by the State, using Title III requirement monies, and to the extent necessary, supplemented by Section 101 funds and State matching funds. The consultant hired to develop the systems requirement document sought to identify any opportunities for efficiency and savings that may be available from using existing or planned statewide networks to share pipeline space and to conduct coordinated training events with the administrators of those systems. However, since this coordination is subject to the deadlines set by HAVA and Public Law 209-2003 for the statewide system to become operational and to ensure that the responsibility for system administration remains vested in the Secretary of State and the Election Division, as provided by P.L. 209-2003.

**The Team recommends the State reimburse county costs incurred for the shipping or transmittal of original county voter registration records for scanning purposes to ensure the signature of each voter appears on the precinct poll lists.**

### ***Replacement and upgrade of voter registration system software***

The “development costs” to be assumed by the State include the hardware and software necessary for the system to perform its functions.

#### ***Voter Registration System Training***

Likewise, training both State and county voter registration administrators will be a significant development cost to the State. The systems requirement document will request potential vendors to propose a comprehensive training program to ensure that county voter registration personnel become familiar with the features of the system before it becomes fully operational.

There will be some incidental or indirect costs associated with the development of the statewide voter registration system which this Plan anticipates will be borne by the county. These costs include county employee compensation and overtime and travel and lodging expenses for attendance at some training and conference events. Nonetheless, the state will seek to cover all necessary and reasonable costs associated with the development of the voter registration system to the extent that funding is available. In addition, if a county chooses to lease or purchase additional hardware or to provide training beyond what the State provides to ensure the maintenance and proper operation of the system, the county would be responsible for those costs.

#### ***Voter Registration Software Upgrades before 2006***

The Team recommends that any county considering the replacement or upgrading of its voter registration software between now and the implementation of the statewide voter registration system during 2005 carefully consider the costs and benefits of that software purchase.

The following will be necessary:

- The Secretary of State, with the consent of the Indiana Election Division, shall develop, maintain and support the system.
- The Indiana Election Division shall develop interaction between the voter registration system and the provisional ballot status application.
- The Indiana Election Division will be responsible for continuous training opportunities on the new system.
- The county clerks and voter registration officials will continue to be responsible for voter list maintenance, creation and production of poll lists, street file management and jurisdictional boundaries, jury lists, petition verification and specialized reports.

The unique identifier for an individual who has not provided a driver’s license number will be the birth date (MMDDYYYY), a hyphen, and then the last four digits of the social security number (MMDDYYYY-XXXX). If the social security number is unavailable, the voter will be assigned another unique identifier by the Indiana Election Division (after December 31, 2005). This unique identifier must be the individual’s Bureau of Motor Vehicles identification number, or if the individual does not have a BMV ID card, another unique number assigned by the Indiana Election Division.

**The Plan budget sets aside \$13 million for SVRS.**

***C. Training and Education***

The Indiana Election Division is currently responsible for annually providing election official training to county circuit court clerks, incoming county circuit court clerks and county election board members.

Each county's maintenance of effort includes training for the poll inspector and in some instances the poll judges and clerks. Indiana law requires that inspectors be trained. The law also requires that training must include information related to making polling places and voting system accessible to elderly and disabled voters. Therefore, HAVA monies will be utilized to expand this training to include training opportunities for the poll clerks and judges. There will be additional costs associated with training voters and poll workers on new voting equipment, provisional balloting, **and photo identification requirements**, as well as the printing and posting of the Voter's Bill of Rights.

It is expected that many first time poll workers including those from secondary schools and colleges, recruited under a program authorized by HAVA, will need to be trained.

Opportunities will **continue to** be sought for coordinating training with other interested parties and advocacy groups. During the annual meetings of the Association of Indiana Counties, Indiana Association of Cities and Towns, and Association of Circuit Court Clerks, sessions will be available regarding local election administration.

The Indiana Election Division will develop training aimed at attorneys so they may qualify for continuing legal education credits (CLEs) required by the Indiana Supreme Court.

A poll worker certification program will be developed as an incentive and positive reinforcement of the poll workers' efforts. **Public Law 230-2005 (SEA 341) states the Indiana Secretary of State shall administer a certified election worker program which must consist of courses that cover several aspects of election administration, including the duties of precinct election officers, the laws and procedures governing the operation of voting systems, and effective communications and problem solving techniques. The certification expires January 1 of the fourth year following certification. The Secretary may establish and administer requirements for the renewal of certification.**

**The** IED will conduct additional seminars for clerks and county voter registration officials solely dedicated to new election administration issues and procedures.

**The** state has **not included** voter education in **its** maintenance of effort.

The **Plan** budget sets aside \$3.9 million for Training and Education.

## **D. Provisional Ballots**

**State law provided** for provisional balloting beginning with the 2004 primary election. However, additional requirements to build a free access system, provide written documentation to provisional voters and protect provisional ballot voters' confidentiality **were** new under HAVA; these were addressed by additional Indiana legislation enacted in 2003.

**The SVRS will include a provisional ballot status application program to permit a voter to obtain the provisional ballot access required to be made available under HAVA by using a secure on-line feature.** Once the statewide grievance toll-free line is available, the state anticipates using that line for the provisional ballot status notification process.

## **E. Grievance Procedure**

HAVA requires the establishment of a state based administrative complaint procedure that will remedy grievances concerning Title III which include but is not limited to (1) voting system accessibility, (2) polling place accessibility, (3) any part of the voting process itself, (4) registration process, or (5) allegation of fraud. The details of this grievance procedure are explained under Section 9 (page 49) of this plan.

The **Plan** budget sets aside **\$50,000** for administration of the grievance procedure.

## ***F. Accessibility of Polling Place and Materials***

The Secretary of State's office formed a partnership with the Governor's Planning Council for People with Disabilities (GPCPD) to conduct a statewide polling place accessibility study that established a baseline of Indiana's current environment as it relates to polling place accessibility. Each county will also form a local advisory council composed in part of voters with disabilities and elderly voters. The GPCPD will supply suggested members for the local advisory councils upon request. This council will advise the local officials on polling place accessibility and site selection. The survey and the establishment of the local council will be a required criteria for counties applying for reimbursement for voting systems.

Information will be provided by the Indiana Election Division to local election officials with suggestions about making their written materials and websites more accessible to voters with disabilities. The information will be created and organized by the GPCPD. Additional outreach will be directed toward military and overseas voters.

Currently, neither the state nor local officials have a maintenance of effort requirement for polling place accessibility or for the updating of materials and websites into accessible formats.

HAVA requires that voting systems provide alternative language accessibility as described in the Voting Rights Act of 1965. Using data from the 2000 United States Census, Indiana's population of non-English speaking residents does not meet the level that requires provision of voting information and materials in other languages. However, as the population of non-English speaking Hoosiers continues to increase, Indiana is taking steps to offer materials related to

direct voter communication in the languages that are most prevalent. Currently, the Voter's Bill of Rights and the Application for Voter Registration Form are available in Spanish. As federal funds are available, the Indiana Election Division will translate more documents.

### ***G. Administration***

The proposed budget sets aside \$500,000 for the administration of HAVA requirements.

### ***H. Strategic Reserve***

The proposed budget sets aside at least \$2 million from Section 101 funds **and \$8.7 million from Title III funds** as a strategic reserve to be used to meet any HAVA requirement if the initial amount budgeted for meeting that requirement is not sufficient. The Team also recommends that any savings achieved in other projects be reallocated to the strategic reserve to ensure that all HAVA requirements are met and to avoid any required refunding of federal HAVA dollars by the State. If these savings are derived from projects funded with monies other than Section 101 monies, strategic reserve funds may actually be present in more than one account to recognize the use restrictions imposed on each HAVA account.

The Team's future review of Indiana's HAVA compliance may then lead to the reallocation of some funds held in strategic reserve to address requirements that have not been fully met at that time. In addition, the Team recommends that any of the \$2 million in Section 101 funds remaining in strategic reserve after the expenses for fulfilling HAVA requirements have been fulfilled be available for voting system reimbursement for counties which are eligible for reimbursement from the Election Administration Assistance Fund (Indiana Code 3-11-6.5), but which are not eligible for reimbursement using Title III requirement monies.

The Team recognizes that in addition to the statewide voter registration file, the HAVA requirement that each polling place be provided with a voting system that is fully accessible to a voter with disabilities may result in significant expenditures by counties to comply with this requirement. The Team views the expenditure of any necessary funds from the strategic reserve to accomplish this purpose and to prevent required refunding of federal HAVA dollars as an appropriate use of funds in the strategic reserve.

**Additional resources from the Section 101 funds strategic reserve may be used to help provide additional funds for training and education initiatives derived from changes in Indiana state election law. These initiatives will include aggressive voter education efforts concerning photo identification requirements, new absentee application and balloting procedures and other legislative changes**

**Additional resources from the Title III funds strategic reserve may be used in voter list maintenance efforts to assist with the accuracy of data entered into or maintained in the Statewide Voter Registration System (SVRS), for the completion of the SVRS, and for other expenses related to Title III HAVA requirements.**

## ***Section 7***

***Sec. 254 (a) IN GENERAL – The State plan shall contain a description of each of the following:***

***(7) How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.***

The Secretary of State will not use the requirements money to maintain the level of expenditures previously incurred by the state for election administration. For fiscal year ending June 30, 2000, the State of Indiana was not expending funds for any tasks required under Title III, including provisional ballots, documentation for first-time mail-in registrants or DREs for the disabled, except as provided below.

In 2000, counties were spending local monies on voter registration maintenance and voting system equipment.

The duplicate voter registration elimination program will no longer be utilized after 2005 under Public Law 209-2003. However, approximately \$225,000 was expended to conduct this program in 1999 - 2000 to compile a statewide voter registration system and will require a maintenance of effort. **The State match of \$688,880 appropriated under Public Law 246-2005 will be used to extent required for the state to meet this maintenance of effort requirement during state fiscal years 2006 and 2007.**

## ***Section 8***

***Sec. 254 (a) IN GENERAL – The State plan shall contain a description of each of the following:***

***(8) How the State will adopt performance goals and measures that will be used by the State to determine its success of units of local government in the state in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the state will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met***

**Performance Goal 1: Statewide Voter Registration System.**

For compliance with HAVA and in order to receive and use requirements money, Indiana will build a “state of the art” system that will be centrally administered. It will provide the best election tools to the state’s local election and registration officials and will incorporate the best features from Indiana county voter registration systems. This system will expand the current relationship between the county and state on operating the duplicate elimination program for list maintenance. It will be necessary to have an interface allowing the system to receive updates from the Bureau of Motor Vehicles, Department of Correction and the Indiana State Department of Health. A steering committee and an independent consultant will be used to guide the process. (see chart on following page)

Performance measure 1	<p>Number of counties online</p> <p>Number of voters per county</p> <p>Percent of data conversion to standard format completed automatically</p> <p>Number of digitized signatures captured</p> <p>Number of voting histories captured</p> <p>Number of ID numbers captured</p> <p>Number of ID numbers matched</p> <p>Number of hits concerning provisional ballot status</p> <p>Number of hits for polling place locator</p>
Timetable	Now through January 1, 2006
Description of the criteria used to measure performance	Conversion of county registration records is vital to the base file. Reports should be generated from partner agencies to help evaluate the success of file maintenance.
Process used to develop criteria	Success of the system will be dependent upon the capture, migration, and standardization of voter registration information into the central voter registration database.
Description of official to be held responsible for ensuring each performance goal is met	The Secretary of State and the Indiana Election Division are responsible for implementing the statewide voter registration system. The Indiana Election Division is also responsible for training, support, and ongoing maintenance of the system. The Indiana Election Division will coordinate with all 92 county voter registration officials, BMV, DOC, and Indiana State Dept. of Health.

***Performance Goal 2: Training and Education***

All Indiana state and local election and voter registration officials realize the success of HAVA implementation relies heavily on communication among or between the participants in the process. Opportunities for training are present at all levels from year round election officials to poll workers and voters that may only interact with the process one or two times a year.

**These opportunities will include the voluntary poll worker certification program under Public Law 230-2005 (SEA 341).**

Performance Goal 2.a	The following information will be collected to measure election official training performance: Number of people trained in county election office Total number of employees in county election office Number of people trained in voter registration office Total number of employees in voter registration office Number of people in each county certified for the first time Number of people in each county re-certified Number of training classes/opportunities offered
Timetable	December 31, 2003 and annually thereafter with possible exception in off election year (no municipal or federal election)
Description of criteria used to measure performance	The Secretary of State will prepare and submit a local election and voter registration official training report containing HAVA related information to be filed on the Secretary of State's web site annually.
Process used to develop the criteria	The state already provides training for county election officials. Further steps will be taken to ensure all employees of agencies responsible for "full service" voter registration duties are trained on changes related to HAVA. In addition, election/voter registration certification program will be developed.
Description of official to be held responsible for ensuring each performance goal is met.	The Secretary of State through the Indiana Election Division is responsible for election official training.

Performance Goal 2.b	<p>Number of poll worker positions available</p> <p>Number of poll clerks trained by instructors in classroom</p> <p>Number of poll clerks trained by video</p> <p>Number of poll clerks trained on the web</p> <p>Repeat statistics for poll judges and sheriffs</p> <p>Number of high school and college students contacted by county election officials</p> <p>Number of ID documentation information pieces collected</p> <p>Number of provisional ballots cast</p> <p>Number of CLEs earned by attorneys</p> <p>Number of new persons recruited to work polls</p> <p>Number of complaints or grievances filed</p> <p><i>Whether exit poll questionnaire was executed</i></p> <p>Percentage of poll workers who attended training</p>
Timetable	January 1, 2004 and every election thereafter
Description of the criteria used to measure performance	Local election officials will submit this information to the Indiana Election Division following an election.
Process used to develop criteria	Election officials already conduct some poll worker training. The Indiana Election Division will rely on input from local election officials (and perhaps professional trainers) to develop both the content and evaluation criteria for the program.
Description of official to be held responsible for ensuring each performance goal is met	The Indiana Election Division shall establish training guidelines, tools, CLEs and the certification program. Each county will continue to oversee poll worker training.

Performance Goal 2.c	<p>Number of public display sites for voter education</p> <p>Number of NCAS or PSAs (public service announcements)</p> <p>Number of ads, news releases or news stories</p> <p>Number of web hits on video streaming</p> <p>Number of teachers certified to instruct on voting systems</p> <p>Number of videos or power point slide shows distributed</p> <p>Number of speeches given by county election or voter registration officials</p> <p>Number of high schools and colleges contacted</p> <p>Increase in percentage of voter turnout</p>
Timetable	January 1, 2004 and every election thereafter
Description of the criteria used to measure performance	Local election officials will submit this information to the Indiana Election Division following an election.
Process used to develop criteria	These steps are being taken to ensure voters receive information on HAVA and related election processes
Description of official to be held responsible for ensuring each performance goal is met.	The Indiana Election Division is responsible for developing these training tools. Each county will be responsible for implementation and reporting.

**Performance Goal 3: Grievance**

HAVA requires the establishment of a state-based grievance procedure.

Performance Goal 3	The following information will be collected to measure the effectiveness of the grievance process: The number of calls received The number and nature of complaints filed The number of complaints dismissed The number of complaints resolved by the Indiana Election Division The number of complaints resolved by the Indiana Election Commission The number of complaints resolved by an Arbitrator The average time for a complaint to be investigated and resolved
Timetable	January 1, 2004 and every election thereafter.
Description of the criteria used to measure performance	The Secretary of State will review the reports from the Indiana Election Division and the counties.
Process used to develop criteria	The Indiana Election Division will also submit a report containing number of complaints received, number of complaints resolved and time required/used for resolution.
Description of official to be held responsible for ensuring each performance goal is met	The Indiana Election Division and Indiana Election Commission are responsible for administering the Statewide grievance procedure. The Protection and Advocacy Commission will assist with administering the grievance procedure as it relates to persons with disabilities.

***Performance Goal 4: Provisional Ballots***

The following shall be measured regarding provisional ballots: uniform processing, verification and status availability. **Provisional ballot status reporting will be performed** by each county until the implementation of the statewide voter registration system. The goal is to have uniform procedures in place in each county for processing and verification of provisional ballots.

Performance Goal 4	<p>Number of provisional ballots cast in each precinct</p> <p>Number of voters casting a ballot in each precinct at that election</p> <p>Number of provisional ballots verified and counted for each precinct</p> <p>Number of provisional ballots not counted in each precinct and reason</p> <p>Number of voters who checked their provisional ballot status</p> <p>Whether uniform procedures were followed</p>
Timetable	January 1, 2004 and every election report thereafter
Description of the criteria used to measure performance	The election report from each county (until implementation of statewide voter file) will provide the Secretary of State with an indication of what additional tools may be needed for uniformity. The statewide voter registration system will be used to report and track the above figures when the system becomes operational.
Process used to develop criteria	The Indiana Election Division will enhance the county election administration manual regarding provisional ballot procedures and information.
Description of official to be held responsible for ensuring each performance goal is met	The Indiana Election Division, through its election official training and county administrative manual, will be responsible for uniform guidelines for processing and verifying provisional ballots. County election officials will be responsible for provisional ballot verification, counting and reporting. Status of provisional ballots will become a joint effort between the state and county once the statewide voter registration system becomes operational.

***Performance Goal 5: Accessibility***

One of HAVA’s greatest initiatives is to make the election process more accessible. Indiana will address voting equipment first, with a link to polling place accessibility. Indiana would also like to utilize part of Title III requirement monies remaining after voting system reimbursement to address accessibility issues through training and provide materials and web information in accessible formats.

Performance Goal 5	<p>Number of military/overseas absentee applications</p> <p>Number of military/overseas ballots cast</p> <p>Number of military ballots rejected and reason(s) therefore</p> <p>Number of polling places</p> <p>Number of polling places accessible</p> <p>Number of DREs w/accessible devices</p> <p>Number of DREs w/out accessible devices</p> <p>Number of IED accessibility brochures distributed</p> <p>Number of accessibility complaints received and resolved</p> <p>Whether Indiana Election Division website and materials are available in accessible formats</p> <p>Whether county met with local advisory council</p>
Timetable	<p>January 1, 2006 for voting system with accessible equipment and</p> <p>January 1, 2004 and beyond for other goals.</p>
Description of the criteria used to measure performance	<p>Local election officials will submit this information to the Indiana Election Division following an election.</p>
Process used to develop criteria	<p>The application for reimbursement of voting systems monies will include certification of polling place accessibility.</p>
Description of official to be held responsible for ensuring each performance goal is met	<p>The county will be responsible for certifying polling place accessibility on the application for reimbursement to the Indiana Election Division. The Indiana Election Division will make sure the Election Division website is in an accessible format. Governor’s Planning Council for People with Disabilities will help coordinate statewide polling place survey.</p>

## ***Section 9***

***Sec. 254 (a) IN GENERAL – The state plan shall contain a description of each of the following:***

***(9) A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.***

Under HAVA, an individual who believes there is (or has been) a violation of any provision of Title III may file a complaint. Such complaint may include, but is not necessarily limited to the following: (1) voting system accessibility, (2) polling place accessibility, (3) any part of the voting process, (4) registration process, or (5) allegation of fraud. The Secretary of State and local election officials will establish a free access system to begin the grievance process.

Indiana Code 3-6-4.5 establishes the state based administrative complaint procedures to remedy grievances concerning uniform and nondiscriminatory election technology and administrative requirements under Title III. The procedures must be uniform and nondiscriminatory.

An individual who believes there is a violation of any provision of Title III, including a violation that has occurred, is occurring, or is about to occur, may file a complaint with the Indiana Election Division. The complaint must be written, signed, and notarized. The complaint must state the following: (1) name and mailing address of the individual alleged to be committing the violation of Title III described in the complaint, (2) whether the individual filing the complaint has filed a complaint concerning the violation with a county election board, and (3) the nature of the injury suffered (or about to be suffered) by the individual filing the complaint. The complaint form and instructions will be available on the Secretary of State's web site [www.sos.IN.gov](http://www.sos.IN.gov).

An individual may also file a complaint with the county election board where the violation allegedly occurred. The Indiana Election Division shall not begin enforcement procedures regarding the complaint until the individual files a complaint with the Indiana Election Division. If the complaint alleges that either Co-Director of the Indiana Election Division has committed the violation, the aggrieved person shall file the complaint with the chair of the Indiana Election Commission. The chair shall perform the duties otherwise performed by the Indiana Election Division concerning a complaint. The Indiana Election Division (or commission) may consolidate complaints filed under this chapter.

The Indiana Election Division shall determine whether a complaint filed under this chapter describes a violation of Title III using the assumption that the facts set forth in the complaint are true. If the Indiana Election Division determines that there is no violation of Title III or the individual did not comply with the written requirements stated above, the Indiana Election Division shall dismiss the complaint and publish the order dismissing the matter in the ***Indiana Register***. If the complaint is dismissed, a copy shall be provided to the following: (1) the individual who filed the notice; (2) the individual alleged to have committed the violation; (3) the members of the Indiana Election Commission, and (4) the Indiana Attorney General.

If the Indiana Election Division determines that the complaint alleges a violation of Title III using the assumption that facts alleged in the complaint are true and that the individual complied with the written requirements, the Indiana Election Division shall conduct an investigation. Upon completion of the investigation, the Indiana Election Division shall submit the results to the Indiana Election Commission which shall then issue a written report. A copy of the report shall be provided to the following: (1) the individual who filed the complaint, (2) the individual alleged to have committed the violation; (3) the members of the Indiana Election Commission; and (4) the Indiana Attorney General. The report must indicate the date that the complaint was received by the Indiana Election Division, recite the findings of facts, and state whether a violation of Title III has occurred or is likely to occur. If a violation has occurred the report must also indicate steps taken to correct the violation or prevent a reoccurrence of the violation, any measures that could be taken to correct a violation, the date when a violation was corrected or is expected to be corrected and any additional information or recommendations useful in resolving the complaint.

At the request of the individual filing a complaint or the request of a member of the commission, the commission shall conduct a hearing on the complaint and prepare a record of the hearing. A request for a hearing must be filed with the Indiana Election Division not later than noon seven days after the report is mailed by the Indiana Election Division. After concluding the hearing, the Indiana Election Commission shall do the following: (1) affirm the report; (2) amend the report; or (3) refer the matter to the Indiana Election Division for further investigation and submission of a subsequent report to the Indiana Election Commission. If the Indiana Election Commission finds that there is no violation, the commission shall dismiss the complaint and publish the order of dismissal in the *Indiana Register*. If the Indiana Election Commission determines that there is a violation of any provision of Title III, the Indiana Election Commission shall determine and provide the appropriate remedy if authorized by law to do so.

The Indiana Election Commission shall forward a written summary of any action taken by the commission by certified mail to the following: (1) the individual who filed the notice; (2) the individual alleged to have committed the violation; (3) the members of the Indiana Election Commission, and (4) the Indiana Attorney General.

The Indiana Election Commission shall make the final determination regarding the complaint not later than ninety days after the date the complaint is filed. If the Indiana Election Commission fails to make a final determination (or the Indiana Election Commission ties 2-2) within ninety days, the complaint shall be resolved by referral to an arbitrator selected jointly by the commission and the individual who filed the complaint. The record and other materials from any proceeding conducted by the Indiana Election Commission shall be made available for use by the arbitrator. The arbitrator shall file a report with the Indiana Election Division setting forth the resolution of the complaint.

The procedures set forth in Indiana Code 3-6-4.5 are subject to the Indiana Administrative Rules and Procedures Act (IC 4-21.5), which permits judicial review of determinations under the grievance procedure.

Indiana Code 3-6-5.1 establishes a county based administrative complaint procedure to supplement the state based administrative complaint procedure. An individual who files a

complaint with the county retains the right to file a complaint with the Indiana Election Division. If the county election board is notified at any time that a complaint has been filed with the Indiana Election Division regarding this matter, the county election board shall dismiss the proceeding.

## ***Section 10***

***Sec. 254 (a) IN GENERAL – The state plan shall contain a description of each of the following:***

***(10) If the State received any payment under Title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.***

Section 101 money will be used, in at least part, to do all of the following:

- Reimburse counties for voting equipment (\$2 million). See section 6 for further explanation.
- Create a strategic reserve (at least \$2 million). See Section 6 (page 21) for further explanation.
- Statewide voter registration system (to hire consultant), with Section 101 funds used for this purpose being reimbursed from Title III requirement monies. See Section 6 for further explanation.
- Begin to administer HAVA (\$500,000)
- Train and educate poll workers and election officials (\$1.7 million), with an additional \$2.2 million from Title III requirement monies being budgeted to training workers and officials regarding Title III requirements, for an overall training budget of \$3.9 million. (\$1.4 million will be taken from the Sec. 101 funds for Voter Education)

## ***Section 11***

***Sec. 254 (a) IN GENERAL – The state plan shall contain a description of each of the following:***

- (11) How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change –***
- (a) Is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;***
  - (b) Is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and***
  - (c) Takes effect only after the expiration of the 30-day period which begins on the date the change is published in the federal Register in accordance with subparagraph (A)***

The Secretary of State through the Indiana Election Division will conduct annual training sessions with county circuit court clerks, election boards and voter registration officials to review standards and procedures and to assess the goals and objectives of the HAVA state plan.

If the Secretary of State determines the State Plan requires material change, the Secretary of State shall do the following:

1. propose changes to the Vote Indiana Team,
2. allow for public comment for a period of time not less than 30 days and
3. publish the changes in the *Federal Register* upon submitting the revised plan to the Election Assistance Commission.

## ***Section 12***

***Sec. 254 (a) IN GENERAL – The state plan shall contain a description of each of the following:***

***(12) In the case of a State with a State Plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State Plan for the previous fiscal year and of how the State succeeded in carrying out the State Plan for such previous fiscal year.***

This version of the State Plan is the initial State Plan required under the Help America Vote Act of 2002.

## ***Section 13***

***Sec. 254 (a) IN GENERAL – The state plan shall contain a description of each of the following:***

***(13) A description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.***

### ***Process***

The Vote Indiana Team is comprised of **30** diverse Hoosiers who are all stakeholders in the election process and who bring ethnic, geographic and tri-partisan political diversity to the planning process.

**To prepare the original version of the Plan, tasks** were assigned to one of five subgroups: Accessibility, Election Administration, Statewide Voter File, Training and Education, and Voting Equipment. Members served on two subgroups. Members were assigned to two subgroups, one per member's choice and one per chair's discretion to ensure balanced discussions. Members met over a six-month period including twenty-four subgroup meetings,

which each lasted 1.5 hours, and five full team meetings. Meetings were held in accordance with Indiana's Open Door Law (I.C 5-14-1.5). Procedures on setting meeting agendas and handling deadlock were established at the first meeting. ***Testimony and public comment were specifically sought at each meeting.*** Meeting notes were kept of each meeting and made immediately available on the Indiana Secretary of State's website: [www.sos.IN.gov](http://www.sos.IN.gov). Materials were also available to the public by mail and electronic distribution. On the Secretary of State's website, a listserv permitted any individual with access to the internet to register as a member of the listserv and register any comments regarding the plan.

Letters were sent to each of the Clerks of Circuit Court and to county voter registration officials as local stakeholders advising them of the work of the Team and process involved for developing the state plan. In April, a draft state plan was developed in accordance with discussions from the subgroups, current legislation and ideas where gaps existed. The draft plan was distributed to the full Team for review at their April 11, 2003 meeting. Areas of concern were returned to the respective subgroup in order to reach a consensus. The subgroup's decisions were incorporated into the second draft that was also reviewed by the full Team prior to release for public comment.

The Vote Indiana Team met on May 30, 2003 to review subgroup suggestions and to discuss additional suggestions and comments from the entire group and from members of the public. At the conclusion of that meeting, the Team endorsed the submission of the Preliminary State Plan for public comment.

After revision of the document to reflect the Team's actions at its May 30 meeting, the Preliminary State Plan was made available for public comment beginning June 3, 2003 (See "Public Comment Period and Procedure" under this Section for additional information.).

The Team convened on July 18, 2003 to conduct a meeting to consider all public comment received to date. At the conclusion of the meeting, the Team recommended the State Plan for submission to the Election Assistance Commission. The **full text of the Plan was** published in the *Federal Register* and the *Indiana Register*.

***The final version of the State Plan is available on the Secretary of State's website:***  
[www.sos.IN.gov](http://www.sos.IN.gov).

#### ***Public Comment Period and Procedure (June 3, 2003 – July 3, 2003)***

Copies of the Preliminary State Plan were available at the Secretary of State's Office, the Indiana Election Division's office and via the website at [www.sos.IN.gov](http://www.sos.IN.gov). In addition, the Preliminary State Plan was specifically distributed to other interested parties during the public comment period of June 3, 2003 through July 3, 2003. The Vote Indiana Team members' diverse backgrounds directly and indirectly provided the accumulation of the following list.

- AARP Indiana
- Area Agencies on Aging (Family and Social Services Agency)
- Association of Indiana Counties newsletter *Indiana News 92*

- Clerks of Circuit Court, county voter registration officials and county election board members
- County commissioners, county council members, and county auditors
- Freedom's Answer
- Governor's Planning Council for People with Disabilities *On Target* newsletter
- Interested parties associated with the Governor's Planning Council for People with Disabilities
- Indiana Association of Cities and Towns
- Indiana Black Legislative Caucus
- Indiana Broadcasters Association
- Indiana Congressional Delegation
- League of Women Voters
- Libertarian Party of Indiana Central Committee
- Military Officers Association of America – Indiana Chapter
- NAACP chapter presidents in Indiana including the State NAACP president
- National Association of Latino Elected and Appointed Officials
- News Releases to Indiana media, Editorial Board interviews, and letters to editors
- Partners in Policy Making Academy coordinated by the Governor's Planning Council for People with Disabilities
- Urban League chapter presidents in Indiana
- Youth Vote Coalition

Comments were sent to the chair of the Vote Indiana Team in writing at the following address: Todd Rokita, Indiana Secretary of State, 200 West Washington Street, Room 201, Indianapolis, Indiana 46204, or were emailed to [VoteIndianaTeam@sos.state.in.us](mailto:VoteIndianaTeam@sos.state.in.us). Public comment on the Preliminary State Plan was also left at 317-234-VOTE or by contacting the Indiana Election Division toll free in Indiana at 800-622-4941(TDD). Comments were also faxed to 317-233-3283.

All comments were distributed to all team members upon receipt. The team considered all public comment at the final VIT meeting **and adopted the 2003 Indiana State HAVA Plan.**

**The Vote Indiana Team was reconvened on June 23, 2005 to begin the process of amending the current Plan.**

**The Secretary of State submitted the proposed changes to the Plan for public comment on July 19, 2005.**

**Comments were sent to the chair of the Vote Indiana Team in writing at the following address: Todd Rokita, Indiana Secretary of State, 200 West Washington Street, Room 201, Indianapolis, Indiana 46204, or were emailed to [VoteIndianaTeam@sos.state.in.us](mailto:VoteIndianaTeam@sos.state.in.us). Public comment on the Preliminary State Plan was also left at 317-234-VOTE or by contacting the Indiana Election Division toll free in Indiana at 800-622-4941(TDD). Comments were also faxed to 317-233-3283.**

## **Current Composition of the Vote Indiana Team**

**Todd Rokita**, Chair  
Indiana Secretary of State

David Bottorff  
**Association of Indiana Counties**

**Sen. Billie Breaux**  
Indiana Senate

**Amos Brown**  
African-American community and media representative

**Daniel Drexler**  
Indiana Libertarian Party representative

**Pam Finlayson**  
Allen County Election Administrator

**Linda Grass**  
Hancock County Clerk

**Bill Haan**  
**Indiana Association of County Commissioners**

**Regina Harris**  
**Indiana Voter Registration Association**

**Dee Ann Hart**  
Disability community representative

**Laura Herzog**  
Indiana Voter Registration Association

**Suellen Jackson-Boner**  
Governor's Planning Council for People with Disabilities

**Gen. Michael Kiefer**  
Military representative

**J. Bradley King**  
Co-director, Indiana Election Division

Sen. Connie Lawson  
Indiana Senate

**Sally LaSota**  
Lake County Election Board Administrator

**Rep. Ed Mahern**  
Indiana House of Representatives

Rep. Luke Messer  
Indiana Republican Party representative

**Martha Padish**  
Vermillion County Clerk

**Isaac Randolph**  
**Indianapolis City-County Council**

**Nick Rhoad**  
Disability community representative

**Rep. Kathy Richardson**  
Indiana House of Representatives

**Kristi Robertson**  
Co-director, Indiana Election Division

**Col. Joe Ryan (Ret.)**  
Military representative

**Doris Anne Sadler**  
Marion County Clerk

**Anita Samuel**  
**Office of the Governor**

**Joe Slash**  
Indianapolis Urban League

**Harriet Wilkins**  
**League of Women Voters**

**Patricia Wilson**  
Hispanic community representative

**Robin Winston**  
Indiana Democratic Party representative

Facilitators: **Joseph McLain, HAVA Administrator**, Indiana Secretary of State's Office

**This plan is respectfully submitted to the Election Assistance Commission, in accordance with Public Law 107-252, this — day of August, 2005.**

A handwritten signature in black ink that reads "Todd Rokita". The signature is written in a cursive, flowing style.

**Todd Rokita**  
**Indiana Secretary of State**

## **Items for Future Consideration**

The Team put forth some additional ideas for future consideration following their charge for developing a blueprint for elections over the next five years.

(1) Department of Defense – “2<sup>nd</sup> generation voting”

This would require an amendment to the Constitution of Indiana to permit the children of overseas voters from Indiana, but who have never resided in Indiana themselves, to be eligible to register to vote upon meeting the requirements other than 30 days residence in Indiana.

# Appendix 1

## INDIANA ELECTION REFORM HISTORY

The development and issuance of Indiana's plan to implement the Help America Vote Act of 2002 marks a significant moment in our state's history of election administration.

While the formation of the State Plan required the members of the Vote Indiana Team to look ahead to determine the wisest way to use our state's resources to bring about election reform in the years ahead, it also provides an opportunity to look back at Indiana's past efforts to ensure fair, honest, and accurate elections.

This look at our past tells us that many issues addressed in the HAVA Plan have been the focus of efforts to improve elections in Indiana since the earliest days of our state. In fact, the first elections were held in what is now Indiana on December 17, 1798, well before statehood.

The voters in the Northwest Territory created by the Continental Congress in 1787, only won the right to elect legislative representatives after a dozen years of effort, and not without obstacles and opposition. When the election was finally permitted, the franchise was limited to free males who were at least 21 years of age. The polling places were literally few and far between in the vast expanse of the territory. Voters in what is now Indiana could choose between traveling by river or wilderness trail to Vincennes, Detroit, and a couple of locations near Cincinnati to cast their ballot. Voting was *viva voce* ("by voice"), meaning that the voter recited the names of the candidates he wished to vote for before an election board, which wrote them down.

When Indiana attained statehood in 1816, election reform was a topic at the first Constitutional Convention. In a compromise, *viva voce* voting was eliminated, but the General Assembly retained the option to return to that method if it chose to do so. Instead, the emerging political parties began to provide the voters with "tickets" that listed their candidates. These tickets varied in size and color, so the ballot was still not secret.

When Indiana adopted its present Constitution on November 1, 1851, many of the current features of our election system began to take shape. Voting was now organized by counties within precincts. However, in almost all cases, the "precinct" consisted of an entire township, and there was no voter registration system. Elections were held on uniform dates (the second Tuesday in October for general elections, other than the November presidential elections), but there was no opportunity to cast an absentee ballot. A circuit court clerk was elected with responsibilities for county election administration.

During the Civil War era and the remainder of the 19<sup>th</sup> Century, the increasing growth of cities and other changes in society brought attention to the inadequacies in Indiana's election system. The absentee ballot process began as an opportunity to permit military voters to fully participate in elections, without being called away from their post of duty. The growing presence of a non-English speaking group of immigrants in Indiana led to the official publication of laws and other

documents in their native language to educate the new German-speaking Hoosiers about the voting process.

Multiple voting by “repeaters” or “floaters” led to the adoption of a constitutional amendment requiring voter registration in Indiana in 1881. The franchise was expanded following the Civil War to include all adult males, regardless of race or color, repealing a ban on voting by African-Americans that had been enacted in Indiana in 1816.

However, the catalyst for sweeping election reform in Indiana was the controversial and disputed presidential election of 1888. Following charges of widespread election fraud in Indiana, Governor Isaac Gray initiated a bipartisan effort to restore public confidence in the integrity of the election process.

In 1889, the Indiana General Assembly enacted sweeping election reform legislation that became a model for other states. Indiana was the second state in the nation to require that voters be provided with government-issued, standardized secret ballots to replace the political party tickets. To safeguard the election process, bipartisan representation was required on all election boards, from the precinct level, to the county level, and in the newly created State Board of Election Commissioners. Counties were required to divide larger townships into multiple precincts to provide more accessibility to voters.

During the early years of the 20<sup>th</sup> Century, Indiana continued to refine and expand its election reform efforts. The franchise was expanded by constitutional amendment throughout the nation to include adult women. However, Indiana continued to be noted for its willingness to try innovative methods to improve the election process. Indiana embraced the new technology of lever machines after President McKinley signed a law in 1899 permitting their use in federal elections. In 1917, before the 19<sup>th</sup> Amendment to the U.S. Constitution was ratified, Indiana became one of the first eight states in the nation to pass legislation permitting women to vote in presidential elections. From 1915 until 1917, Indiana was (and so far remains) the only state to provide an “instant runoff” or preferential voting procedure in federal and state elections.

Despite this tradition of innovative reform, Indiana’s election laws failed to keep pace with the sweeping changes of the 1930’s and early 1940’s. However, in 1945, at the urging of prominent attorney Mr. Edwin Steers, the Indiana General Assembly recognized the need to ensure the consistent and fair application of election statutes throughout the state, and adopted a comprehensive recodification of state election laws.

During the post-World War II period, Indiana election procedures continued to adapt to changes coming from the national level, including the expansion of the franchise to 18-year-old citizens and the elimination of lengthy residence requirements for voter registration. Likewise, Indiana continued to embrace new technology for voting, such as the punch card voting systems introduced in the 1970’s. However, Indiana’s very decentralized election administration system led to both a new national controversy and the incentive for renewed election reform.

Following the disputed 8<sup>th</sup> Congressional District election in 1984, national attention was focused on the lack of a uniform process for conducting multi-county recounts in Indiana. Under

the law of that time, each county conducted its own recount for the congressional election. After congressional hearings documented that the counties within the 8<sup>th</sup> District lacked consistent standards for counting votes, the Indiana General Assembly acted.

In 1986, the legislature began by enacting a new codification of Indiana election laws to better organize these statutes after forty years of amendments, and to repeal obsolete procedures. The State Recount Commission was created, and after conducting its first congressional recount in December 1986, recommended the adoption of legislation that established detailed and precise standards for counting punch cards and other types of ballots.

In 1987, the General Assembly continued its election reform efforts by enacting the recommendations of the Recount Commission as a part of one of the most comprehensive revisions in Indiana election law (Senate Enrolled Act 587). This 530-section statute authorized and expanded the use of new technologies such as direct recording electronic voting systems and optical scan ballot cards in Indiana elections, along with expanding county flexibility in locating polling places for access by voters with disabilities.

During the next dozen years, Indiana enacted several laws (and in 1998, a state constitutional amendment) to respond to new challenges in election administration. These measures included the protection of the voting rights of military voters and voters who moved during the final 30 days before an election, and the repeal of obsolete constitutional provisions, such as permitting township elections to be held in October. In response to the National Voter Registration Act of 1993, Indiana's voter registration statutes were comprehensively revised in 1995. The Census Data Advisory Committee was created as a permanent, standing body of the legislature to review and recommend changes to Indiana election laws. As a result of this Committee's work, significant election reform legislation was enacted in 1995, 1997, 1999, and 2003.

The 2003 legislative session also witnessed the enactment of Senate Enrolled Act 268, another comprehensive effort at election reform focused on the implementation of the Help America Vote Act in Indiana.

As a result of this rich heritage, Indiana stood in an enviable position to continue election reform in response to the 2000 general election and the enactment of the Help America Vote Act of 2002. It is hoped that the work of the members of the Bipartisan Task Force in 2001, and the Vote Indiana Team in 2003, the hundreds of county election administrators, and thousands of poll workers throughout the state will contribute to the success of the ongoing effort for election reform in Indiana.

*Compiled and written by  
J. Bradley King,  
Co-Director, Indiana Election Division*

## Appendix 2

### Indiana Bond Bank

---

### Hoosier Equipment Lease Purchase (HELP) Program

#### Letter from the Chairman

To all potential participants:

The Primary mission of the Indiana Bond Bank is to assist local government in obtaining low-cost financing for their operations. To achieve our mission, the Bond Bank has developed several programs tailored to specific financing needs. The HELP program is one of these programs. Through the Hoosier Equipment Lease Purchase Program, local communities can acquire equipment at cash prices and utilize tax-exempt interest rates. Since its beginning in 1989, the program has assisted more than 135 communities in obtaining over \$82 million in equipment. Interest rates for the program are based on the current U.S. Treasury Yield. According to a recent Internal Revenue Service Private Letter Ruling, small entities can also benefit from participation and still maintain their “small issuer” status. I encourage you to find out more about this standardized and streamlined lease-purchase program offered by the Indiana Bond Bank.

Sincerely,

Tim Berry  
Chairman, Indiana Bond Bank  
Treasurer, State of Indiana

#### Description of Program

- Assists communities in acquiring essential equipment through a standardized and streamlined lease-purchase process
- Standard lease term
- Minimum lease amount is \$100,000
- Repayment flexibility; monthly, quarterly, semi-annually, or annually
- Eliminates the need to bid financing
- Rates are updated daily
- Over 135 communities assisted

## **Application Procedures**

1. Complete one page application
2. Submit certain financial information  
Most recent audit report  
Current Budget
3. Approval process usually within seven business days

Applications can be submitted at any time. Upon credit approval from the Bond Bank lender, only lease documentation is required to complete the transaction.

## **Lease Equipment**

Computers	Voting Machines	Buses
Phone Systems	Cafeteria Equipment	Ambulances
911 Emergency Equipment/System	Maintenance Equipment	Garbage Trucks
Safety, Security and	Police Cars	Tandem Trucks
Surveillance Equipment	Fire Trucks	Sewer Vacs

**For questions about eligible equipment, contact the Indiana Bond Bank at  
317.233.0888 or 800.535.6974.**

**Information can also be found at [www.in.gov/bond](http://www.in.gov/bond).**